

111TH CONGRESS  
1ST SESSION

# S. 1451

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2009

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “FAA Air Transportation Modernization and Safety Im-  
6       provement Act”.

- ## TITLE I—AUTHORIZATIONS

- ## TITLE II—AIRPORT IMPROVEMENTS

- TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

- S 1451 IS**

- Sec. 314. Acceleration of NextGen technologies.
- Sec. 315. ADS-B development and implementation.
- Sec. 316. Equipage incentives.
- Sec. 317. Performance metrics.
- Sec. 318. Certification standards and resources.
- Sec. 319. Unmanned aerial systems.
- Sec. 320. Surface Systems Program Office.
- Sec. 321. Stakeholder coordination.
- Sec. 322. FAA task force on air traffic control facility conditions.
- Sec. 323. State ADS-B equipage bank pilot program.
- Sec. 324. Definitions.

#### TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

##### SUBTITLE A—CONSUMER PROTECTION

- Sec. 401. Airline customer service commitment.
- Sec. 402. Publication of customer service data and flight delay history.
- Sec. 403. Expansion of DOT airline consumer complaint investigations.
- Sec. 404. Establishment of advisory committee for aviation consumer protection.
- Sec. 405. Disclosure of passenger fees.

##### SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

- Sec. 411. EAS connectivity program.
- Sec. 412. Extension of final order establishing mileage adjustment eligibility.
- Sec. 413. EAS contract guidelines.
- Sec. 414. Conversion of former EAS airports.
- Sec. 415. EAS reform.
- Sec. 416. Small community air service.
- Sec. 417. EAS marketing.
- Sec. 418. Rural aviation improvement.

##### SUBTITLE C—MISCELLANEOUS

- Sec. 431. Clarification of air carrier fee disputes.
- Sec. 432. Contract tower program.
- Sec. 433. Airfares for members of the Armed Forces.

#### TITLE V—SAFETY

##### SUBTITLE A—AVIATION SAFETY

- Sec. 501. Runway safety equipment plan.
- Sec. 502. Judicial review of denial of airman certificates.
- Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 504. Design organization certificates.
- Sec. 505. FAA access to criminal history records or database systems.
- Sec. 506. Flight crew fatigue.
- Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
- Sec. 508. Cabin crew communication.
- Sec. 509. Clarification of memorandum of understanding with OSHA.

- Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
- Sec. 511. Improved safety information.
- Sec. 512. Voluntary disclosure reporting process improvements.
- Sec. 513. Procedural improvements for inspections.
- Sec. 514. Independent review of safety issues.
- Sec. 515. National review team.
- Sec. 516. FAA Academy improvements.
- Sec. 517. Reduction of runway incursions and operational errors.
- Sec. 518. Aviation safety whistleblower investigation office.
- Sec. 519. Modification of customer service initiative.
- Sec. 520. Headquarters review of air transportation oversight system database.
- Sec. 521. Inspection of foreign repair stations.
- Sec. 522. Non-certificated maintenance providers.

#### SUBTITLE B—FLIGHT SAFETY

- Sec. 551. Pilot applicant employment records.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Implementation of NTSB recommendations.
- Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
- Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
- Sec. 556. Safety inspections of regional air carriers.
- Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 558. Oversight of pilot training schools.
- Sec. 559. Definitions.

#### TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
- Sec. 603. Production of clean coal fuel technology for civilian aircraft.
- Sec. 604. Advisory committee on future of aeronautics.
- Sec. 605. Research program to improve airfield pavements.
- Sec. 606. Wake turbulence, volcanic ash, and weather research.
- Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.
- Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 609. Pilot program for zero emission airport vehicles.
- Sec. 610. Reduction of emissions from airport power sources.
- Sec. 611. Siting of windfarms near FAA navigational aides and other assets.

#### TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.
- Sec. 702. Human intervention management study.
- Sec. 703. Airport program modifications.
- Sec. 704. Miscellaneous program extensions.
- Sec. 705. Extension of competitive access reports.
- Sec. 706. Update on overflights.
- Sec. 707. Technical corrections.

Sec. 708. FAA technical training and staffing.  
 Sec. 709. Commercial air tour operators in national parks.  
 Sec. 710. Phaseout of Stage 1 and 2 aircraft.  
 Sec. 711. Weight restrictions at Teterboro Airport.  
 Sec. 712. Pilot program for redevelopment of airport properties.  
 Sec. 713. Transporting musical instruments.  
 Sec. 714. Recycling plans for airports.  
 Sec. 715. Disadvantaged Business Enterprise Program adjustments.  
 Sec. 716. Front line manager staffing.

1 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or a repeal of, a section or other  
 5 provision, the reference shall be considered to be made to  
 6 a section or other provision of title 49, United States  
 7 Code.

8 **SEC. 3. EFFECTIVE DATE.**

9 Except as otherwise expressly provided, this Act and  
 10 the amendments made by this Act shall take effect on the  
 11 date of enactment.

12 **TITLE I—AUTHORIZATIONS**

13 **SEC. 101. OPERATIONS.**

14 (a) IN GENERAL.—Section 106(k)(1) is amended by  
 15 striking subparagraphs (A) through (D) and inserting the  
 16 following:

17 “(A) \$9,336,000,000 for fiscal year 2010;  
 18 and  
 19 “(B) \$9,620,000,000 for fiscal year  
 20 2011.”.

1 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

2 Section 48101(a) is amended by striking paragraphs  
3 (1) through (4) and inserting the following:

4 “(1) \$3,500,000,000 for fiscal year 2010, of  
5 which \$500,000,000 is derived from the Air Traffic  
6 Control System Modernization Account of the Air-  
7 port and Airways Trust Fund; and

8 “(2) \$3,600,000,000 for fiscal year 2011, of  
9 which \$500,000,000 is derived from the Air Traffic  
10 Control System Modernization Account of the Air-  
11 port and Airways Trust Fund.”.

12 **SEC. 103. RESEARCH AND DEVELOPMENT.**

13 Section 48102 is amended—

14 (1) by striking subsection (a) and inserting the  
15 following:

16 “(a) IN GENERAL.—Not more than the following  
17 amounts may be appropriated to the Secretary of Trans-  
18 portation out of the Airport and Airway Trust Fund es-  
19 tablished under section 9502 of the Internal Revenue Code  
20 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-  
21 search and development under sections 44504, 44505,  
22 44507, 44509, and 44511 through 44513 of this title:

23 “(1) \$200,000,000 for fiscal year 2010.

24 “(2) \$206,000,000 for fiscal year 2011.”;

25 (2) by striking subsections (c) through (h); and

26 (3) by adding at the end the following:

1       “(c) RESEARCH GRANTS PROGRAM INVOLVING UN-  
2   DERGRADUATE STUDENTS.—The Administrator of the  
3   Federal Aviation Administration shall establish a program  
4   to utilize undergraduate and technical colleges, including  
5   Historically Black Colleges and Universities, Hispanic  
6   Serving Institutions, tribally controlled colleges and uni-  
7   versities, and Alaska Native and Native Hawaiian serving  
8   institutions in research on subjects of relevance to the  
9   Federal Aviation Administration. Grants may be awarded  
10  under this subsection for—

11           “(1) research projects to be carried out at pri-  
12       marily undergraduate institutions and technical col-  
13       leges;

14           “(2) research projects that combine research at  
15       primarily undergraduate institutions and technical  
16       colleges with other research supported by the Fed-  
17       eral Aviation Administration;

18           “(3) research on future training requirements  
19       on projected changes in regulatory requirements for  
20       aircraft maintenance and power plant licensees; or

21           “(4) research on the impact of new technologies  
22       and procedures, particularly those related to aircraft  
23       flight deck and air traffic management functions,  
24       and on training requirements for pilots and air traf-  
25       fic controllers.”.

1 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
 2 **NOISE COMPATIBILITY PLANNING AND PRO-**  
 3 **GRAMS.**

4 Section 48103 is amended by striking paragraphs (1)  
 5 through (4) and inserting the following:

6 “(1) \$4,000,000,000 for fiscal year 2010; and

7 “(2) \$4,100,000,000 for fiscal year 2011.”.

8 **SEC. 105. OTHER AVIATION PROGRAMS.**

9 Section 48114 is amended—

10 (1) by striking “2007” in subsection (a)(1)(A)  
 11 and inserting “2011”;

12 (2) by striking “2007,” in subsection (a)(2) and  
 13 inserting “2011,”; and

14 (3) by striking “2007” in subsection (c)(2) and  
 15 inserting “2011”.

16 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
 17 **PORTATION SYSTEM PROJECTS.**

18 Section 44501(b) is amended—

19 (1) by striking “and” after the semicolon in  
 20 paragraph (3);

21 (2) by striking “defense.” in paragraph (4) and  
 22 inserting “defense; and”; and

23 (3) by adding at the end thereof the following:

24 “(5) a list of projects that are part of the Next  
 25 Generation Air Transportation System and do not



1 have as a primary purpose to operate or maintain  
 2 the current air traffic control system.”.

3 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
 4 **AIRPORT PROGRAMS.**

5 (a) IN GENERAL.—Section 48105 is amended to read  
 6 as follows:

7 **“§ 48105. Airport programs administrative expenses**

8 “Of the amount made available under section 48103  
 9 of this title, the following may be available for administra-  
 10 tive expenses relating to the Airport Improvement Pro-  
 11 gram, passenger facility charge approval and oversight,  
 12 national airport system planning, airport standards devel-  
 13 opment and enforcement, airport certification, airport-re-  
 14 lated environmental activities (including legal services),  
 15 and other airport-related activities (including airport tech-  
 16 nology research), to remain available until expended—

17 “(1) for fiscal year 2010, \$94,000,000; and

18 “(2) for fiscal year 2011, \$98,000,000.”.

19 (b) CONFORMING AMENDMENT.—The table of con-  
 20 tents for chapter 481 is amended by striking the item re-  
 21 lating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

## **TITLE II—AIRPORT IMPROVEMENTS**

### **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.**

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

“(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

“(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency’s passenger facility charge program, including—

“(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

“(B) the total amount of program revenue collected by the agency during the period covered by the report;

“(C) the amount of expenditures with program revenue made by the agency on each eligi-

1           ble airport-related project during the period  
2           covered by the report;

3           “(D) each airport-related project for which  
4           the agency plans to collect and use program  
5           revenue during the next 12-month period cov-  
6           ered by the report, including the amount of rev-  
7           enue projected to be used for such project;

8           “(E) the level of program revenue the  
9           agency plans to collect during the next 12-  
10          month period covered by the report;

11          “(F) a description of the notice and con-  
12          sultation process with air carriers and foreign  
13          air carriers under paragraph (3), and with the  
14          public under paragraph (4), including a copy of  
15          any adverse comments received and how the  
16          agency responded; and

17          “(G) any other information on the pro-  
18          gram that the Secretary may require.

19          “(2) IMPLEMENTATION.—Subject to the re-  
20          quirements of paragraphs (3), (4), (5), and (6), the  
21          eligible agency may implement the planned collection  
22          and use of passenger facility charges in accordance  
23          with its report upon filing the report as required in  
24          paragraph (1).

1           “(3) CONSULTATION WITH CARRIERS FOR NEW  
2 PROJECTS.—

3           “(A) An eligible agency proposing to col-  
4 lect or use passenger facility charge revenue for  
5 a project not previously approved by the Sec-  
6 retary or not included in a report required by  
7 paragraph (1) that was submitted in a prior  
8 year shall provide to air carriers and foreign air  
9 carriers operating at the airport reasonable no-  
10 tice, and an opportunity to comment on the  
11 planned collection and use of program revenue  
12 before providing the report required under  
13 paragraph (1). The Secretary shall prescribe by  
14 regulation what constitutes reasonable notice  
15 under this paragraph, which shall at a min-  
16 imum include—

17           “(i) that the eligible agency provide to  
18 air carriers and foreign air carriers oper-  
19 ating at the airport written notice of the  
20 planned collection and use of passenger fa-  
21 cility charge revenue;

22           “(ii) that the notice include a full de-  
23 scription and justification for a proposed  
24 project;

1 “(iii) that the notice include a detailed  
2 financial plan for the proposed project; and

3 “(iv) that the notice include the pro-  
4 posed level for the passenger facility  
5 charge.

6 “(B) An eligible agency providing notice  
7 and an opportunity for comment shall be  
8 deemed to have satisfied the requirements of  
9 this paragraph if the eligible agency provides  
10 such notice to air carriers and foreign air car-  
11 riers that have a significant business interest at  
12 the airport. For purposes of this subparagraph,  
13 the term ‘significant business interest’ means  
14 an air carrier or foreign air carrier that—

15 “(i) had not less than 1.0 percent of  
16 passenger boardings at the airport in the  
17 prior calendar year;

18 “(ii) had at least 25,000 passenger  
19 boardings at the airport in the prior cal-  
20 endar year; or

21 “(iii) provides scheduled service at the  
22 airport.

23 “(C) Not later than 45 days after written  
24 notice is provided under subparagraph (A),  
25 each air carrier and foreign air carrier may pro-

1       vide written comments to the eligible agency in-  
2       dicating its agreement or disagreement with the  
3       project or, if applicable, the proposed level for  
4       a passenger facility charge.

5               “(D) The eligible agency may include, as  
6       part of the notice and comment process, a con-  
7       sultation meeting to discuss the proposed  
8       project or, if applicable, the proposed level for  
9       a passenger facility charge. If the agency pro-  
10      vides a consultation meeting, the written com-  
11      ments specified in subparagraph (C) shall be  
12      due not later than 30 days after the meeting.

13      “(4) PUBLIC NOTICE AND COMMENT.—

14              “(A) An eligible agency proposing to col-  
15      lect or use passenger facility charge revenue for  
16      a project not previously approved by the Sec-  
17      retary or not included in a report required by  
18      paragraph (1) that was filed in a prior year  
19      shall provide reasonable notice and an oppor-  
20      tunity for public comment on the planned col-  
21      lection and use of program revenue before pro-  
22      viding the report required in paragraph (1).

23              “(B) The Secretary shall prescribe by reg-  
24      ulation what constitutes reasonable notice under

1 this paragraph, which shall at a minimum re-  
2 quire—

3 “(i) that the eligible agency provide  
4 public notice of intent to collect a pas-  
5 senger facility charge so as to inform those  
6 interested persons and agencies that may  
7 be affected;

8 “(ii) appropriate methods of publica-  
9 tion, which may include notice in local  
10 newspapers of general circulation or other  
11 local media, or posting of the notice on the  
12 agency’s Internet website; and

13 “(iii) submission of public comments  
14 no later than 45 days after the date of the  
15 publication of the notice.

16 “(5) OBJECTIONS.—

17 “(A) Any interested person may file with  
18 the Secretary a written objection to a proposed  
19 project included in a notice under this para-  
20 graph provided that the filing is made within 30  
21 days after submission of the report specified in  
22 paragraph (1).

23 “(B) The Secretary shall provide not less  
24 than 30 days for the eligible agency to respond  
25 to any filed objection.

1           “(C) Not later than 90 days after receiving  
2           the eligible agency’s response to a filed objec-  
3           tion, the Secretary shall make a determination  
4           whether or not to terminate authority to collect  
5           the passenger facility charge for the project,  
6           based on the filed objection. The Secretary shall  
7           state the reasons for any determination. The  
8           Secretary may only terminate authority if—

9                   “(i) the project is not an eligible air-  
10                  port related project;

11                  “(ii) the eligible agency has not com-  
12                  plied with the requirements of this section  
13                  or the Secretary’s implementing regula-  
14                  tions in proposing the project;

15                  “(iii) the eligible agency has been  
16                  found to be in violation of section  
17                  47107(b) of this title and has failed to  
18                  take corrective action, prior to the filing of  
19                  the objection; or

20                  “(iv) in the case of a proposed in-  
21                  crease in the passenger facility charge  
22                  level, the level is not authorized by this  
23                  section.

24           “(D) Upon issuance of a decision termi-  
25           nating authority, the public agency shall pre-



1       pare an accounting of passenger facility revenue  
2       collected under the terminated authority and re-  
3       store the funds for use on other authorized  
4       projects.

5               “(E) Except as provided in subparagraph  
6       (C), the eligible agency may implement the  
7       planned collection and use of a passenger facil-  
8       ity charge in accordance with its report upon  
9       filing the report as specified in paragraph  
10      (1)(A).

11              “(6) APPROVAL REQUIREMENT FOR INCREASED  
12      PASSENGER FACILITY CHARGE OR INTERMODAL  
13      GROUND ACCESS PROJECT.—

14              “(A) An eligible agency may not collect or  
15      use a passenger facility charge to finance an  
16      intermodal ground access project, or increase a  
17      passenger facility charge, unless the project is  
18      first approved by the Secretary in accordance  
19      with this paragraph.

20              “(B) The eligible agency may submit to  
21      the Secretary an application for authority to  
22      impose a passenger facility charge for an inter-  
23      modal ground access project or to increase a  
24      passenger facility charge. The application shall  
25      contain information and be in the form that the

Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

“(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

1 (i) by striking “FEE” in the heading  
 2 for paragraph (5) and inserting  
 3 “CHARGE”; and

4 (ii) by striking “fee” each place it ap-  
 5 pears in paragraphs (5) and (6) and in-  
 6 serting “charge”.

7 (B) Subsections (b), and subsections (d)  
 8 through (m), of section 40117 are amended—

9 (i) by striking “fee” or “fees” each  
 10 place either appears and inserting  
 11 “charge” or “charges”, respectively; and

12 (ii) by striking “FEE” in the sub-  
 13 section caption for subsection (l), and  
 14 “FEES” in the subsection captions for sub-  
 15 sections (e) and (m), and inserting  
 16 “CHARGE” and “CHARGES”, respectively.

17 (C) The caption for section 40117 is  
 18 amended to read as follows:

19 **“§ 40117. Passenger facility charges”.**

20 (D) The table of contents for chapter 401  
 21 is amended by striking the item relating to sec-  
 22 tion 40117 and inserting the following:

“40117. Passenger facility charges.”.

23 (2) LIMITATIONS ON APPROVING APPLICA-  
 24 TIONS.—Section 40117(d) is amended—

1 (A) by striking “subsection (c) of this sec-  
 2 tion to finance a specific” and inserting “sub-  
 3 section (c)(6) of this section to finance an inter-  
 4 modal ground access”;

5 (B) by striking “specific” in paragraph  
 6 (1);

7 (C) by striking paragraph (2) and insert-  
 8 ing the following:

9 “(2) the project is an eligible airport-related  
 10 project; and”;

11 (D) by striking “each of the specific  
 12 projects; and” in paragraph (3) and inserting  
 13 “the project.”; and

14 (E) by striking paragraph (4).

15 (3) LIMITATIONS ON IMPOSING CHARGES.—Sec-  
 16 tion 40117(e)(1) is amended to read as follows: “(1)  
 17 An eligible agency may impose a passenger facility  
 18 charge only subject to terms the Secretary may pre-  
 19 scribe to carry out the objectives of this section.”.

20 (4) LIMITATIONS ON CONTRACTS, LEASES, AND  
 21 USE AGREEMENTS.—Section 40117(f)(2) is amended  
 22 by striking “long-term”.

23 (5) COMPLIANCE.—Section 40117(h) is amend-  
 24 ed—

1 (A) by redesignating paragraph (3) as  
 2 paragraph (4); and

3 (B) by inserting after paragraph (2) the  
 4 following:

5 “(3) The Secretary may, on complaint of an in-  
 6 terested person or on the Secretary’s own initiative,  
 7 conduct an investigation into an eligible agency’s col-  
 8 lection and use of passenger facility charge revenue  
 9 to determine whether a passenger facility charge is  
 10 excessive or that passenger facility revenue is not  
 11 being used as provided in this section. The Secretary  
 12 shall prescribe regulations establishing procedures  
 13 for complaints and investigations. The regulations  
 14 may provide for the issuance of a final agency deci-  
 15 sion without resort to an oral evidentiary hearing.  
 16 The Secretary shall not accept complaints filed  
 17 under this paragraph until after the issuance of reg-  
 18 ulations establishing complaint procedures.”.

19 (6) PILOT PROGRAM FOR PFC AT NONHUB AIR-  
 20 PORTS.—Section 40117(l) is amended—

21 (A) by striking “(c)(2)” in paragraph (2)  
 22 and inserting “(c)(3)”; and

23 (B) by striking “date that is 3 years after  
 24 the date of issuance of regulations to carry out  
 25 this subsection.” in paragraph (7) and inserting

1 “date of issuance of regulations to carry out  
 2 subsection (c) of this section, as amended by  
 3 the FAA Air Transportation Modernization and  
 4 Safety Improvement Act.”.

5 (7) PROHIBITION ON APPROVING PFC APPLICA-  
 6 TIONS FOR AIRPORT REVENUE DIVERSION.—Section  
 7 47111(e) is amended by striking “sponsor” the sec-  
 8 ond place it appears in the first sentence and all  
 9 that follows and inserting “sponsor. A sponsor shall  
 10 not propose collection or use of passenger facility  
 11 charges for any new projects under paragraphs (3)  
 12 through (6) of section 40117(c) unless the Secretary  
 13 determines that the sponsor has taken corrective ac-  
 14 tion to address the violation and the violation no  
 15 longer exists.”.

16 **SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.**

17 (a) IN GENERAL.—Section 40117 is amended by  
 18 adding at the end thereof the following:

19 “(n) ALTERNATIVE PASSENGER FACILITY CHARGE  
 20 COLLECTION PILOT PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall estab-  
 22 lish and conduct a pilot program at not more than  
 23 6 airports under which an eligible agency may im-  
 24 pose a passenger facility charge under this section  
 25 without regard to the dollar amount limitations set

1       forth in paragraph (1) or (4) of subsection (b) if the  
 2       participating eligible agency meets the requirements  
 3       of paragraph (2).

4               “(2) COLLECTION REQUIREMENTS.—

5               “(A) DIRECT COLLECTION.—An eligible  
 6       agency participating in the pilot program—

7               “(i) may collect the charge from the  
 8       passenger at the facility, via the Internet,  
 9       or in any other reasonable manner; but

10              “(ii) may not require or permit the  
 11       charge to be collected by an air carrier or  
 12       foreign air carrier for the flight segment.

13              “(B) PFC COLLECTION REQUIREMENT  
 14       NOT TO APPLY.—Subpart C of part 158 of title  
 15       14, Code of Federal Regulations, does not apply  
 16       to the collection of the passenger facility charge  
 17       imposed by an eligible agency participating in  
 18       the pilot program.”.

19       (b) GAO STUDY OF ALTERNATIVE MEANS OF COL-  
 20       LECTING PFCs.—

21              (1) IN GENERAL.—The Comptroller General  
 22       shall conduct a study of alternative means of collec-  
 23       tion passenger facility charges imposed under section  
 24       40117 of title 49, United States Code, that would  
 25       permit such charges to be collected without being in-

cluded in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General’s findings, conclusions, and recommendations.

**SEC. 203. AMENDMENTS TO GRANT ASSURANCES.**

Section 47107 is amended—

(1) by striking “made;” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator’s control that requires the relocation or re-



1 placement of an existing airport facility, the Sec-  
 2 retary, upon the request of the owner or operator,  
 3 may grant funds available under section 47114 to  
 4 pay the cost of relocating or replacing such facil-  
 5 ity.”;

6 (2) by striking “purpose;” in subsection  
 7 (c)(2)(A)(i) and inserting “purpose, which includes  
 8 serving as noise buffer land;”;

9 (3) by striking “paid to the Secretary for de-  
 10 posit in the Fund if another eligible project does not  
 11 exist.” in subsection (c)(2)(B)(iii) and inserting “re-  
 12 invested in another project at the airport or trans-  
 13 ferred to another airport as the Secretary pre-  
 14 scribes.”; and

15 (4) by redesignating paragraph (3) of sub-  
 16 section (c) as paragraph (4) and inserting after  
 17 paragraph (2) the following:

18 “(3) In approving the reinvestment or transfer of  
 19 proceeds under paragraph (2)(C)(iii), the Secretary shall  
 20 give preference, in descending order, to—

21 “(i) reinvestment in an approved noise compat-  
 22 ibility project;

23 “(ii) reinvestment in an approved project that is  
 24 eligible for funding under section 47117(e);

1           “(iii) reinvestment in an airport development  
2           project that is eligible for funding under section  
3           47114, 47115, or 47117 and meets the requirements  
4           of this chapter;

5           “(iv) transfer to the sponsor of another public  
6           airport to be reinvested in an approved noise com-  
7           patibility project at such airport; and

8           “(v) payment to the Secretary for deposit in the  
9           Airport and Airway Trust Fund established under  
10          section 9502 of the Internal Revenue Code of 1986  
11          (26 U.S.C. 9502).”.

12 **SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.**

13          (a) FEDERAL SHARE.—Section 47109 is amended—

14               (1) by striking “subsection (b) or subsection  
15               (c)” in subsection (a) and inserting “subsection (b),  
16               (c), or (e)”; and

17               (2) by adding at the end the following:

18          “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
19 HUB TO MEDIUM HUB STATUS.—If the status of a small  
20 hub primary airport changes to a medium hub primary  
21 airport, the United States Government’s share of allow-  
22 able project costs for the airport may not exceed 95 per-  
23 cent for 2 fiscal years following such change in hub sta-  
24 tus.”.

1 (b) TRANSITIONING AIRPORTS.—Section  
 2 47114(f)(3)(B) is amended by striking “year 2004.” and  
 3 inserting “years 2010 and 2011.”.

4 **SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.**

5 Section 47110 is amended—

6 (1) by striking subsection (d) and inserting the  
 7 following:

8 “(d) RELOCATION OF AIRPORT-OWNED FACILI-  
 9 TIES.—The Secretary may determine that the costs of re-  
 10 locating or replacing an airport-owned facility are allow-  
 11 able for an airport development project at an airport only  
 12 if—

13 “(1) the Government’s share of such costs is  
 14 paid with funds apportioned to the airport sponsor  
 15 under sections 47114(c)(1) or 47114(d)(2);

16 “(2) the Secretary determines that the reloca-  
 17 tion or replacement is required due to a change in  
 18 the Secretary’s design standards; and

19 “(3) the Secretary determines that the change  
 20 is beyond the control of the airport sponsor.”; and

21 (2) by striking “facilities, including fuel farms  
 22 and hangars,” in subsection (h) and inserting “fa-  
 23 cilities, as defined by section 47102,”.

24 **SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

25 Section 47133(b) is amended—

1 (1) by resetting the text of the subsection as an  
 2 indented paragraph 2 ems from the left margin;

3 (2) by inserting “(1)” before “Subsection”; and

4 (3) by adding at the end thereof the following:

5 “(2) In the case of a privately owned airport,  
 6 subsection (a) shall not apply to the proceeds from  
 7 the sale of the airport to a public sponsor if—

8 “(A) the sale is approved by the Secretary;

9 “(B) funding is provided under this title  
 10 for the public sponsor’s acquisition; and

11 “(C) an amount equal to the remaining  
 12 unamortized portion of the original grant, am-  
 13 ortized over a 20-year period, is repaid to the  
 14 Secretary by the private owner for deposit in  
 15 the Trust Fund for airport acquisitions.

16 “(3) This subsection shall apply to grants  
 17 issued on or after October 1, 1996.”.

18 **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**  
 19 **COSTS.**

20 Notwithstanding section 47109(a) of title 49, United  
 21 States Code, the Federal Government’s share of allowable  
 22 project costs for a grant made in fiscal year 2008, 2009,  
 23 2010, or 2011 under chapter 471 of that title for a project  
 24 described in paragraph (2) or (3) of that section shall be  
 25 95 percent.

1 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

2 (a) TECHNICAL CHANGES TO NATIONAL PLAN OF  
3 INTEGRATED AIRPORT SYSTEMS.—Section 47103 is  
4 amended—

5 (1) by striking “each airport to—” in sub-  
6 section (a) and inserting “the airport system to—”;

7 (2) by striking “system in the particular area;”  
8 in subsection (a)(1) and inserting “system, including  
9 connection to the surface transportation network;  
10 and”;

11 (3) by striking “aeronautics; and” in subsection  
12 (a)(2) and inserting “aeronautics.”;

13 (4) by striking subsection (a)(3);

14 (5) by striking paragraph (2) of subsection (b)  
15 and redesignating paragraph (3) as paragraph (2);

16 (6) by striking “operations, Short Takeoff and  
17 Landing/Very Short Takeoff and Landing aircraft  
18 operations,” in subsection (b)(2), as redesignated,  
19 and inserting “operations”; and

20 (7) by striking “status of the” in subsection  
21 (d).

22 (b) UPDATE VETERANS PREFERENCE DEFINI-  
23 TION.—Section 47112(c) is amended—

24 (1) by striking “separated from” in paragraph  
25 (1)(B) and inserting “discharged or released from  
26 active duty in”;

1           (2) by adding at the end of paragraph (1) the  
2 following:

3           “(C) ‘Afghanistan-Iraq war veteran’ means an  
4 individual who served on active duty, as defined by  
5 section 101(21) of title 38, at any time in the armed  
6 forces for a period of more than 180 consecutive  
7 days, any part of which occurred during the period  
8 beginning on September 11, 2001, and ending on  
9 the date prescribed by Presidential proclamation or  
10 by law as the last date of Operation Iraqi Free-  
11 dom.”; and

12           (3) by striking “veterans and” in paragraph (2)  
13 and inserting “veterans, Afghanistan-Iraq war vet-  
14 erans, and”.

15       (c) ANNUAL REPORT.—Section 47131(a) is amend-  
16 ed—

17           (1) by striking “April 1” and inserting “June  
18 1”; and

19           (2) by striking paragraphs (1) through (4) and  
20 inserting the following:

21           “(1) a summary of airport development and  
22 planning completed;

23           “(2) a summary of individual grants issued;

24           “(3) an accounting of discretionary and appor-  
25 tioned funds allocated; and

1 “(4) the allocation of appropriations; and”.

2 (d) SUNSET OF PROGRAM.—Section 47137 is re-  
3 pealed effective September 30, 2008.

4 (e) CORRECTION TO EMISSION CREDITS PROVI-  
5 SION.—Section 47139 is amended—

6 (1) by striking “47102(3)(F),” in subsection  
7 (a);

8 (2) by striking “47102(3)(F),” in subsection  
9 (b);

10 (3) by striking “47102(3)(L), or 47140” in  
11 subsection (b) and inserting “or 47102(3)(L),”;

12 (4) by striking “47103(3)(F), in subsection (b);  
13 and

14 (5) by striking “47102(3)(L), or 47140,” in  
15 subsection (b) and inserting “or 47102(3)(L),”.

16 (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-  
17 ITY.—Section 47151(e) is amended by striking “(other  
18 than real property that is subject to section 2687 of title  
19 10, section 201 of the Defense Authorization Amendments  
20 and Base Closure and Realignment Act (10 U.S.C. 2687  
21 note), or section 2905 of the Defense Base Closure and  
22 Realignment Act of 1990 (10 U.S.C. 2687 note),”.

23 (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-  
24 INITION OF JOINT USE AIRPORT.—Section 47175 is  
25 amended—

1           (1) by striking “Airport Capacity Benchmark  
2       Report 2001.” in paragraph (2) and inserting “2001  
3       and 2004 Airport Capacity Benchmark Reports or  
4       of the most recent Benchmark report, Future Air-  
5       port Capacity Task Report, or other comparable  
6       FAA report”; and

7           (2) by adding at the end thereof the following:

8           “(7) JOINT USE AIRPORT.—The term ‘joint use  
9       airport’ means an airport owned by the United  
10      States Department of Defense, at which both mili-  
11      tary and civilian aircraft make shared use of the air-  
12      field.”.

13      (h) USE OF APPORTIONED AMOUNTS.—Section  
14   47117(e)(1)(A) is amended—

15           (1) by striking “35 percent” in the first sen-  
16      tence and inserting “\$300,000,000”;

17           (2) by striking “and” after “47141,”;

18           (3) by striking “et seq.).” and inserting “et  
19      seq.), and for water quality mitigation projects to  
20      comply with the Act of June 30, 1948 (33 U.S.C.  
21      1251 et seq.), approved in an environmental record  
22      of decision for an airport development project under  
23      this title.”; and



1           (4) by striking “such 35 percent requirement  
2           is” in the second sentence and inserting “the re-  
3           quirements of the preceding sentence are”.

4           (i) USE OF PREVIOUS FISCAL YEAR’S APPORTION-  
5   MENT.—Section 47114(c)(1) is amended—

6           (1) by striking “and” after the semicolon in  
7           subparagraph (E)(ii);

8           (2) by striking “airport.” in subparagraph  
9           (E)(iii) and inserting “airport; and”;

10          (3 by adding at the end of subparagraph (E)  
11          the following:

12                       “(iv) the airport received scheduled or  
13                       unscheduled air service from a large cer-  
14                       tified air carrier (as defined in part 241 of  
15                       title 14, Code of Federal Regulations, or  
16                       such other regulations as may be issued by  
17                       the Secretary under the authority of sec-  
18                       tion 41709) and the Secretary determines  
19                       that the airport had more than 10,000  
20                       passenger boardings in the preceding cal-  
21                       endar year, based on data submitted to the  
22                       Secretary under part 241 of title 14, Code  
23                       of Federal Regulations.”; and

24          (4) by adding at the end thereof the following:

1           “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
2           AND 2011.—Notwithstanding subparagraph (A), for  
3           an airport that had more than 10,000 passenger  
4           boardings and scheduled passenger aircraft service  
5           in calendar year 2007, but in either calendar years  
6           2008 or 2009, or both years, the number of pas-  
7           senger boardings decreased to a level below 10,000  
8           boardings per year at such airport, the Secretary  
9           may apportion in fiscal years 2010 or 2011 to the  
10          sponsor of such an airport an amount equal to the  
11          amount apportioned to that sponsor in fiscal year  
12          2009.”.

13          (j) Section 47102(3) is amended by adding at the end  
14          the following:

15                 “(M) construction of mobile refueler park-  
16                 ing within a fuel farm at a nonprimary airport  
17                 meeting the requirements of section 112.8 of  
18                 title 40, Code of Federal Regulations.”.

19          (k) Section 47115(g)(1) is amended by striking  
20          “of—” and all that follows and inserting “of  
21          \$520,000,000. The amount credited is exclusive of  
22          amounts that have been apportioned in a prior fiscal year  
23          under section 47114 of this title and that remain available  
24          for obligation.”.

1 **SEC. 209. STATE BLOCK GRANT PROGRAM.**

2 Section 47128 is amended—

3 (1) by striking “regulations” each place it ap-  
4 pears in subsection (a) and inserting “guidance”;

5 (2) by striking “grant;” in subsection (b)(4)  
6 and inserting “grant, including Federal environ-  
7 mental requirements or an agreed upon equivalent;”;

8 (3) by redesignating subsection (c) as sub-  
9 section (d) and inserting after subsection (b) the fol-  
10 lowing:

11 “(c) PROJECT ANALYSIS AND COORDINATION RE-  
12 QUIREMENTS.—Any Federal agency that must approve, li-  
13 cense, or permit a proposed action by a participating State  
14 shall coordinate and consult with the State. The agency  
15 shall utilize the environmental analysis prepared by the  
16 State, provided it is adequate, or supplement that analysis  
17 as necessary to meet applicable Federal requirements.”;  
18 and

19 (4) by adding at the end the following:

20 “(e) PILOT PROGRAM.—The Secretary shall establish  
21 a pilot program for up to 3 States that do not participate  
22 in the program established under subsection (a) that is  
23 consistent with the program under subsection (a).”.

1 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
 2 **VIEWS.**

3 Section 47173(a) is amended by striking “project.”  
 4 and inserting “project, or to conduct special environmental  
 5 studies related to a federally funded airport project or for  
 6 special studies or reviews to support approved noise com-  
 7 patibility measures in a Part 150 program or environ-  
 8 mental mitigation in a Federal Aviation Administration  
 9 Record of Decision or Finding of No Significant Impact.”.

10 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
 11 **PROCEDURES.**

12 Section 47504 is amended by adding at the end the  
 13 following:

14 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
 15 DURES.—

16 “(1) The Secretary is authorized in accordance  
 17 with subsection (c)(1) to make a grant to an airport  
 18 operator to assist in completing environmental re-  
 19 view and assessment activities for proposals to im-  
 20 plement flight procedures that have been approved  
 21 for airport noise compatibility planning purposes  
 22 under subsection (b).

23 “(2) The Administrator of the Federal Aviation  
 24 Administration may accept funds from an airport  
 25 sponsor, including funds provided to the sponsor  
 26 under paragraph (1), to hire additional staff or ob-

1       tain the services of consultants in order to facilitate  
 2       the timely processing, review and completion of envi-  
 3       ronmental activities associated with proposals to im-  
 4       plement flight procedures submitted and approved  
 5       for airport noise compatibility planning purposes in  
 6       accordance with this section. Funds received under  
 7       this authority shall not be subject to the procedures  
 8       applicable to the receipt of gifts by the Adminis-  
 9       trator.”.

10 **SEC. 212. SAFETY-CRITICAL AIRPORTS.**

11       Section 47118(c) is amended—

12               (1) by striking “or” after the semicolon in  
 13       paragraph (1);

14               (2) by striking “delays.” in paragraph (2) and  
 15       inserting “delays; or”; and

16               (3) by adding at the end the following:

17               “(3) be critical to the safety of commercial,  
 18       military, or general aviation in trans-oceanic  
 19       flights.”.

20 **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
 21 **PILOT PROGRAM.**

22       (a) PILOT PROGRAM.—Subchapter I of chapter 471  
 23 is amended by adding at the end thereof the following:

1 **“§ 47143. Environmental mitigation demonstration**  
 2 **pilot program**

3 “(a) IN GENERAL.—The Secretary of Transportation  
 4 shall carry out a pilot program involving not more than  
 5 6 projects at public-use airports under which the Secretary  
 6 may make grants to sponsors of such airports from funds  
 7 apportioned under paragraph 47117(e)(1)(A) for use at  
 8 such airports for environmental mitigation demonstration  
 9 projects that will measurably reduce or mitigate aviation  
 10 impacts on noise, air quality or water quality in the vicin-  
 11 ity of the airport. Notwithstanding any other provision of  
 12 this subchapter, an environmental mitigation demonstra-  
 13 tion project approved under this section shall be treated  
 14 as eligible for assistance under this subchapter.

15 “(b) PARTICIPATION IN PILOT PROGRAM.—A public-  
 16 use airport shall be eligible for participation in the pilot.

17 “(c) SELECTION CRITERIA.—In selecting from  
 18 among applicants for participation in the pilot program,  
 19 the Secretary may give priority consideration to environ-  
 20 mental mitigation demonstration projects that—

21 “(1) will achieve the greatest reductions in air-  
 22 craft noise, airport emissions, or airport water qual-  
 23 ity impacts either on an absolute basis, or on a per-  
 24 dollar-of-funds expended basis; and

25 “(2) will be implemented by an eligible consor-  
 26 tium.

1       “(d) FEDERAL SHARE.—Notwithstanding any other  
 2 provision of this subchapter, the United States Govern-  
 3 ment’s share of the costs of a project carried out under  
 4 this section shall be 50 percent.

5       “(e) MAXIMUM AMOUNT.—Not more than  
 6 \$2,500,000 may be made available by the Secretary in  
 7 grants under this section for any single project.

8       “(f) IDENTIFYING BEST PRACTICES.—The Adminis-  
 9 trator may develop and publish information identifying  
 10 best practices for reducing or mitigating aviation impacts  
 11 on noise, air quality, or water quality in the vicinity of  
 12 airports, based on the projects carried out under the pilot  
 13 program.

14       “(g) DEFINITIONS.—In this section:

15               “(1) ELIGIBLE CONSORTIUM.—The term ‘eligi-  
 16 ble consortium’ means a consortium that comprises  
 17 2 or more of the following entities:

18                       “(A) Businesses operating in the United  
 19 States.

20                       “(B) Public or private educational or re-  
 21 search organizations located in the United  
 22 States.

23                       “(C) Entities of State or local governments  
 24 in the United States.

25                       “(D) Federal laboratories.

1           “(2) ENVIRONMENTAL MITIGATION DEM-  
 2           ONSTRATION PROJECT.—The term ‘environmental  
 3           mitigation demonstration project’ means a project  
 4           that—

5                   “(A) introduces new conceptual environ-  
 6                   mental mitigation techniques or technology with  
 7                   associated benefits, which have already been  
 8                   proven in laboratory demonstrations;

9                   “(B) proposes methods for efficient adap-  
 10                  tation or integration of new concepts to airport  
 11                  operations; and

12                  “(C) will demonstrate whether new tech-  
 13                  niques or technology for environmental mitiga-  
 14                  tion identified in research are—

15                   “(i) practical to implement at or near  
 16                   multiple public use airports; and

17                   “(ii) capable of reducing noise, airport  
 18                   emissions, or water quality impacts in  
 19                   measurably significant amounts.”.

20           (b) CONFORMING AMENDMENT.—The table of con-  
 21           tents for chapter 471 is amended by inserting after the  
 22           item relating to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program.”.

23   **SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DE-**  
 24           **VELOPMENT PROGRAM.**

25           Section 47110(c) is amended—



1           (1) by striking “; or” in paragraph (1) and in-  
2       serting a semicolon;

3           (2) by striking “project.” in paragraph (2) and  
4       inserting “project; or”; and

5           (3) by adding at the end the following:

6           “(3) necessarily incurred in anticipation of se-  
7       vere weather.”.

8       **SEC. 215. GLYCOL RECOVERY VEHICLES.**

9       Section 47102(3)(G) is amended by inserting “in-  
10   cluding acquiring glycol recovery vehicles,” after “air-  
11   craft,”.

12   **SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.**

13       Section 44504(b) is amended—

14           (1) by striking “and” after the semicolon in  
15       paragraph (6);

16           (2) by striking “aircraft.” in paragraph (7) and  
17       inserting “aircraft; and”; and

18           (3) by adding at the end thereof the following:

19           “(8) to conduct research to support programs  
20       designed to reduce gases and particulates emitted.”.

21   **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
22                           **ANTEE.**

23       Section 47114(e) is amended—

1           (1) by inserting “AND ANY UNITED STATES  
2       TERRITORY” after “ALASKA” in the subsection  
3       heading; and

4           (2) by adding at the end thereof the following:

5           “(5) UNITED STATES TERRITORY MINIMUM  
6       GUARANTEE.—In any fiscal year in which the total  
7       amount apportioned to airports in a United States  
8       Territory under subsections (c) and (d) is less than  
9       1.5 percent of the total amount apportioned to all  
10      airports under those subsections, the Secretary may  
11      apportion to the local authority in any United States  
12      Territory responsible for airport development  
13      projects in that fiscal year an amount equal to the  
14      difference between 1.5 percent of the total amounts  
15      apportioned under subsections (c) and (d) in that  
16      fiscal year and the amount otherwise apportioned  
17      under those subsections to airports in a United  
18      States Territory in that fiscal year.”.

19 **SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

20       (a) IN GENERAL.—Notwithstanding any other provi-  
21      sion of law, including the Federal Airport Act (as in effect  
22      on August 8, 1958), the United States releases, without  
23      monetary consideration, all restrictions, conditions, and  
24      limitations on the use, encumbrance, or conveyance of cer-  
25      tain land located in the municipality of Anchorage, Alaska,

1 more particularly described as Tracts 22 and 24 of the  
 2 Fourth Addition to the Town Site of Anchorage, Alaska,  
 3 as shown on the plat of U.S. Survey No. 1456, accepted  
 4 June 13, 1923, on file in the Bureau of Land Manage-  
 5 ment, Department of Interior.

6 (b) GRANTS.—Notwithstanding any other provision  
 7 of law, the municipality of Anchorage shall be released  
 8 from the repayment of any outstanding grant obligations  
 9 owed by the municipality to the Federal Aviation Adminis-  
 10 tration with respect to any land described in subsection  
 11 (a) that is subsequently conveyed to or used by the De-  
 12 partment of Transportation and Public Facilities of the  
 13 State of Alaska for the construction or reconstruction of  
 14 a federally subsidized highway project.

15 **TITLE III—AIR TRAFFIC CON-**  
 16 **TROL MODERNIZATION AND**  
 17 **FAA REFORM**

18 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**  
 19 **SIGHT BOARD.**

20 Section 106(p) is amended to read as follows:

21 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-  
 22 SIGHT BOARD.—

23 “(1) ESTABLISHMENT.—Within 90 days after  
 24 the date of enactment of the FAA Air Transpor-  
 25 tation Modernization and Safety Improvement Act,

1 the Secretary shall establish and appoint the mem-  
2 bers of an advisory Board which shall be known as  
3 the Air Traffic Control Modernization Oversight  
4 Board.

5 “(2) MEMBERSHIP.—The Board shall be com-  
6 prised of the individual appointed or designated  
7 under section 302 of the FAA Air Transportation  
8 Modernization and Safety Improvement Act (who  
9 shall serve ex officio without the right to vote) and  
10 7 other members, who shall consist of—

11 “(A) the Administrator and a representa-  
12 tive from the Department of Defense;

13 “(B) 1 member who shall have a fiduciary  
14 responsibility to represent the public interest;  
15 and

16 “(C) 4 members representing aviation in-  
17 terests, as follows:

18 “(i) 1 representative that is the chief  
19 executive officer of an airport.

20 “(ii) 1 representative that is the chief  
21 executive officer of a passenger or cargo  
22 air carrier.

23 “(iii) 1 representative of a labor orga-  
24 nization representing employees at the  
25 Federal Aviation Administration that are

involved with the operation, maintenance or procurement of the air traffic control system.

“(iv) 1 representative with extensive operational experience in the general aviation community.

“(3) APPOINTMENT AND QUALIFICATIONS.—

“(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

“(i) management of large service organizations;

“(ii) customer service;

“(iii) management of large procurements;

1 “(iv) information and communications  
2 technology;

3 “(v) organizational development; and

4 “(vi) labor relations.

5 “(C) Of the members first appointed under  
6 paragraphs (2)(B) and (2)(C)—

7 “(i) 2 shall be appointed for terms of  
8 1 year;

9 “(ii) 1 shall be appointed for a term  
10 of 2 years;

11 “(iii) 1 shall be appointed for a term  
12 of 3 years; and

13 “(iv) 1 shall be appointed for a term  
14 of 4 years.

15 “(4) FUNCTIONS.—

16 “(A) IN GENERAL.—The Board shall—

17 “(i) review and provide advice on the  
18 Administration’s modernization programs,  
19 budget, and cost accounting system;

20 “(ii) review the Administration’s stra-  
21 tegic plan and make recommendations on  
22 the non-safety program portions of the  
23 plan, and provide advice on the safety pro-  
24 grams of the plan;

1           “(iii) review the operational efficiency  
2 of the air traffic control system and make  
3 recommendations on the operational and  
4 performance metrics for that system;

5           “(iv) approve procurements of air  
6 traffic control equipment in excess of  
7 \$100,000,000;

8           “(v) approve by July 31 of each year  
9 the Administrator’s budget request for fa-  
10 cilities and equipment prior to its submis-  
11 sion to the Office of Management and  
12 budget, including which programs are pro-  
13 posed to be funded from the Air Traffic  
14 control system Modernization Account of  
15 the Airport and Airway Trust Fund;

16           “(vi) approve the Federal Aviation  
17 Administration’s Capital Investment Plan  
18 prior to its submission to the Congress;

19           “(vii) annually review and make rec-  
20 ommendations on the NextGen Implemen-  
21 tation Plan;

22           “(viii) approve the Administrator’s se-  
23 lection of the Chief NextGen Officer ap-  
24 pointed or designated under section 302(a)

1 of the FAA Air Transportation Moderniza-  
2 tion and Safety Improvement Act; and

3 “(ix) approve the selection of the head  
4 of the Joint Planning and Development  
5 Office.

6 “(B) MEETINGS.—The Board shall meet  
7 on a regular and periodic basis or at the call of  
8 the Chairman or of the Administrator.

9 “(C) ACCESS TO DOCUMENTS AND  
10 STAFF.—The Administration may give the  
11 Board appropriate access to relevant documents  
12 and personnel of the Administration, and the  
13 Administrator shall make available, consistent  
14 with the authority to withhold commercial and  
15 other proprietary information under section 552  
16 of title 5, cost data associated with the acquisi-  
17 tion and operation of air traffic control systems.  
18 Any member of the Board who receives com-  
19 mercial or other proprietary data from the Ad-  
20 ministrator shall be subject to the provisions of  
21 section 1905 of title 18, pertaining to unauthor-  
22 ized disclosure of such information.

23 “(5) FEDERAL ADVISORY COMMITTEE ACT NOT  
24 TO APPLY.—The Federal Advisory Committee Act (5  
25 U.S.C. App.) shall not apply to the Board or such



1       rulemaking committees as the Administrator shall  
2       designate.

3               “(6) ADMINISTRATIVE MATTERS.—

4               “(A) TERMS OF MEMBERS.—Except as  
5       provided in paragraph (3)(C), members of the  
6       Board appointed under paragraph (2)(B) and  
7       (2)(C) shall be appointed for a term of 4 years.

8               “(B) REAPPOINTMENT.—No individual  
9       may be appointed to the Board for more than  
10       8 years total.

11              “(C) VACANCY.—Any vacancy on the  
12       Board shall be filled in the same manner as the  
13       original position. Any member appointed to fill  
14       a vacancy occurring before the expiration of the  
15       term for which the member’s predecessor was  
16       appointed shall be appointed for a term of 4  
17       years.

18              “(D) CONTINUATION IN OFFICE.—A mem-  
19       ber of the Board whose term expires shall con-  
20       tinue to serve until the date on which the mem-  
21       ber’s successor takes office.

22              “(E) REMOVAL.—Any member of the  
23       Board appointed under paragraph (2)(B) or  
24       (2)(C) may be removed by the President for  
25       cause.

1           “(F) CLAIMS AGAINST MEMBERS OF THE  
2 BOARD.—

3           “(i) IN GENERAL.—A member ap-  
4 pointed to the Board shall have no per-  
5 sonal liability under State or Federal law  
6 with respect to any claim arising out of or  
7 resulting from an act or omission by such  
8 member within the scope of service as a  
9 member of the Board.

10           “(ii) EFFECT ON OTHER LAW.—This  
11 subparagraph shall not be construed—

12           “(I) to affect any other immunity  
13 or protection that may be available to  
14 a member of the Board under applica-  
15 ble law with respect to such trans-  
16 actions;

17           “(II) to affect any other right or  
18 remedy against the United States  
19 under applicable law; or

20           “(III) to limit or alter in any way  
21 the immunities that are available  
22 under applicable law for Federal offi-  
23 cers and employees.

“(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

“(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) does not engage in another business related to aviation or aeronautics; and

“(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

“(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for in-

1           juries under subchapter I of chapter 81 of title  
2           5 and except as provided under subparagraph  
3           (J).

4           “(J) EXPENSES.—Each member of the  
5           Board shall be paid actual travel expenses and  
6           per diem in lieu of subsistence expenses when  
7           away from his or her usual place of residence,  
8           in accordance with section 5703 of title 5.

9           “(K) BOARD RESOURCES.—From re-  
10          sources otherwise available to the Adminis-  
11          trator, the Chairman shall appoint such staff to  
12          assist the board and provide impartial analysis,  
13          and the Administrator shall make available to  
14          the Board such information and administrative  
15          services and assistance, as may reasonably be  
16          required to enable the Board to carry out its re-  
17          sponsibilities under this subsection.

18          “(L) QUORUM AND VOTING.—A simple  
19          majority of members of the Board duly ap-  
20          pointed shall constitute a quorum. A majority  
21          vote of members present and voting shall be re-  
22          quired for the Committee to take action.

23          “(7) AIR TRAFFIC CONTROL SYSTEM DE-  
24          FINED.—In this subsection, the term ‘air traffic con-

1        trol system’ has the meaning given that term in sec-  
2        tion 40102(a).”.

3    **SEC. 302. NEXTGEN MANAGEMENT.**

4        (a) IN GENERAL.—The Administrator shall appoint  
5        or designate an individual, as the Chief NextGen Officer,  
6        to be responsible for implementation of all Administration  
7        programs associated with the Next Generation Air Trans-  
8        portation System.

9        (b) SPECIFIC DUTIES.—The individual appointed or  
10       designated under subsection (a) shall—

11            (1) oversee the implementation of all Adminis-  
12       tration NextGen programs;

13            (2) coordinate implementation of those  
14       NextGen programs with the Office of Management  
15       and Budget;

16            (3) develop an annual NextGen implementation  
17       plan; and

18            (4) oversee the Joint Planning and Develop-  
19       ment Office’s facilitation of cooperation among all  
20       Federal agencies whose operations and interests are  
21       affected by implementation of the NextGen pro-  
22       grams.

1 **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**  
2 **FIC SERVICES.**

3 Section 106(l) is amended by adding at the end the  
4 following:

5 “(7) AIR TRAFFIC SERVICES.—In determining  
6 what actions to take, by rule or through an agree-  
7 ment or transaction under paragraph (6) or under  
8 section 44502, to permit non-Government providers  
9 of communications, navigation, surveillance or other  
10 services to provide such services in the National Air-  
11 space System, or to require the usage of such serv-  
12 ices, the Administrator shall consider whether such  
13 actions would—

14 “(A) promote the safety of life and prop-  
15 erty;

16 “(B) improve the efficiency of the National  
17 Airspace System and reduce the regulatory bur-  
18 den upon National Airspace System users,  
19 based upon sound engineering principles, user  
20 operational requirements, and marketplace de-  
21 mands;

22 “(C) encourage competition and provide  
23 services to the largest feasible number of users;  
24 and

25 “(D) take into account the unique role  
26 served by general aviation.”.

1 **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
 2 **REIMBURSABLE AGREEMENTS.**

3 Section 106(m) is amended by striking “without” in  
 4 the last sentence and inserting “with or without”.

5 **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**  
 6 **THORITY.**

7 Section 40110(c) is amended—

8 (1) by inserting “and” after the semicolon in  
 9 paragraph (3);

10 (2) by striking paragraph (4); and

11 (3) by redesignating paragraph (5) as para-  
 12 graph (4).

13 **SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.**

14 Section 40113(e) is amended—

15 (1) by inserting “(whether public or private)”  
 16 in paragraph (1) after “authorities”;

17 (2) by striking “safety.” in paragraph (1) and  
 18 inserting “safety or efficiency. The Administrator is  
 19 authorized to participate in, and submit offers in re-  
 20 sponse to, competitions to provide these services,  
 21 and to contract with foreign aviation authorities to  
 22 provide these services consistent with the provisions  
 23 under section 106(l)(6) of this title. The Adminis-  
 24 trator is also authorized, notwithstanding any other  
 25 provision of law or policy, to accept payments in ar-  
 26 rears.”; and

1           (3) by striking “appropriation from which ex-  
 2           penses were incurred in providing such services.” in  
 3           paragraph (3) and inserting “appropriation current  
 4           when the expenditures are or were paid, or the ap-  
 5           propriation current when the amount is received.”.

6 **SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.**

7           Section 40122(g)(2) is amended—

8           (1) by striking “and” after the semicolon in  
 9           subparagraph (G);

10          (2) by striking “Board.” in subparagraph (H)  
 11          and inserting “Board; and”; and

12          (3) by inserting at the end the following new  
 13          subparagraph:

14               “(I) subsections (b), (c), and (d) of section  
 15               4507 (relating to Meritorious Executive or Dis-  
 16               tinguished Executive rank awards), and sub-  
 17               sections (b) and (c) of section 4507a (relating  
 18               to Meritorious Senior Professional or Distin-  
 19               guished Senior Professional rank awards), ex-  
 20               cept that—

21                       “(i) for purposes of applying such  
 22                       provisions to the personnel management  
 23                       system—

24                               “(I) the term ‘agency’ means the  
 25                               Department of Transportation;



1 “(II) the term ‘senior executive’  
2 means a Federal Aviation Administra-  
3 tion executive;

4 “(III) the term ‘career appointee’  
5 means a Federal Aviation Administra-  
6 tion career executive; and

7 “(IV) the term ‘senior career em-  
8 ployee’ means a Federal Aviation Ad-  
9 ministration career senior profes-  
10 sional;

11 “(ii) receipt by a career appointee of  
12 the rank of Meritorious Executive or Meri-  
13 torious Senior Professional entitles such  
14 individual to a lump-sum payment of an  
15 amount equal to 20 percent of annual  
16 basic pay, which shall be in addition to the  
17 basic pay paid under the Federal Aviation  
18 Administration Executive Compensation  
19 Plan; and

20 “(iii) receipt by a career appointee of  
21 the rank of Distinguished Executive or  
22 Distinguished Senior Professional entitles  
23 the individual to a lump-sum payment of  
24 an amount equal to 35 percent of annual  
25 basic pay, which shall be in addition to the

1                   basic pay paid under the Federal Aviation  
2                   Administration Executive Compensation  
3                   Plan.”.

4 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**  
5 **MENT.**

6           (a) FAA CRITERIA FOR FACILITIES REALIGN-  
7 MENT.—Within 9 months after the date of enactment of  
8 this Act, the Administrator, after providing an opportunity  
9 for public comment, shall publish final criteria to be used  
10 in making the Administrator’s recommendations for the  
11 realignment of services and facilities to assist in the tran-  
12 sition to next generation facilities and help reduce capital,  
13 operating, maintenance, and administrative costs with no  
14 adverse effect on safety.

15          (b) REALIGNMENT RECOMMENDATIONS.—Within 9  
16 months after publication of the criteria, the Administrator  
17 shall publish a list of the services and facilities that the  
18 Administrator recommends for realignment, including a  
19 justification for each recommendation and a description  
20 of the costs and savings of such transition, in the Federal  
21 Register and allow 45 days for the submission of public  
22 comments to the Board. In addition, the Administrator  
23 upon request shall hold a public hearing in any community  
24 that would be affected by a recommendation in the report.

1       (c) STUDY BY BOARD.—The Air Traffic Control  
2 Modernization Oversight Board established by section  
3 106(p) of title 49, United States Code, shall study the Ad-  
4 ministrator’s recommendations for realignment and the  
5 opportunities, risks, and benefits of realigning services and  
6 facilities of the Administration to help reduce capital, op-  
7 erating, maintenance, and administrative costs with no ad-  
8 verse effect on safety.

9       (d) REVIEW AND RECOMMENDATIONS.—

10           (1) Based on its review and analysis of the Ad-  
11 ministrator’s recommendations and any public com-  
12 ment it may receive, the Board shall make its inde-  
13 pendent recommendations for realignment of avia-  
14 tion services or facilities and submit its rec-  
15 ommendations in a report to the President, the Sen-  
16 ate Committee on Commerce, Science, and Trans-  
17 portation, and the House of Representatives Com-  
18 mittee on Transportation and Infrastructure.

19           (2) The Board shall explain and justify in its  
20 report any recommendation made by the Board that  
21 is different from the recommendations made by the  
22 Administrator pursuant to subsection (b).

23           (3) The Administrator may not consolidate any  
24 additional approach control facilities into the South-

1       ern California TRACON, or the Memphis TRACON  
2       until the Board’s recommendations are completed.

3       (e) REALIGNMENT DEFINED.—In this section, the  
4       term “realignment”—

5               (1) means a relocation or reorganization of  
6       functions, services, or personnel positions, including  
7       a facility closure, consolidation, deconsolidation, col-  
8       location, decombining, decoupling, split, or inter-fa-  
9       cility or inter-regional reorganization that requires a  
10      reassignment of employees; but

11              (2) does not include a reduction in personnel  
12      resulting from workload adjustments.

13   **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**  
14                           **TEM IMPLEMENTATION OFFICE.**

15       (a) IMPROVED COOPERATION AND COORDINATION  
16    AMONG PARTICIPATING AGENCIES.—Section 709 of the  
17    Vision 100—Century of Aviation Reauthorization Act (49  
18    U.S.C. 40101 note) is amended—

19              (1) by inserting “strategic and cross-agency”  
20      after “manage” in subsection (a)(1);

21              (2) by adding at the end of subsection (a)(1)  
22      “The office shall be headed by a Director, who shall  
23      report to the Chief NextGen Officer appointed or  
24      designated under section 302(a) of the FAA Air

1       Transportation Modernization and Safety Improve-  
2       ment Act.”;

3               (3) by inserting “(A)” after “(3)” in subsection  
4       (a)(3);

5               (4) by inserting after subsection (a)(3) the fol-  
6       lowing:

7               “(B) The Administrator, the Secretary of  
8       Defense, the Administrator of the National Aer-  
9       onautics and Space Administration, the Sec-  
10      retary of Commerce, the Secretary of Homeland  
11      Security, and the head of any other Department  
12      or Federal agency from which the Secretary of  
13      Transportation requests assistance under sub-  
14      paragraph (A) shall designate an implementa-  
15      tion office to be responsible for—

16              “(i) carrying out the Department or  
17      agency’s Next Generation Air Transpor-  
18      tation System implementation activities  
19      with the Office;

20              “(ii) liaison and coordination with  
21      other Departments and agencies involved  
22      in Next Generation Air Transportation  
23      System activities; and

24              “(iii) managing all Next Generation  
25      Air Transportation System programs for

1 the Department or agency, including nec-  
2 essary budgetary and staff resources, in-  
3 cluding, for the Federal Aviation Adminis-  
4 tration, those projects described in section  
5 44501(b)(5) of title 49, United States  
6 Code).

7 “(C) The head of any such Department or  
8 agency shall ensure that—

9 “(i) the Department’s or agency’s  
10 Next Generation Air Transportation Sys-  
11 tem responsibilities are clearly commu-  
12 nicated to the designated office; and

13 “(ii) the performance of supervisory  
14 personnel in that office in carrying out the  
15 Department’s or agency’s Next Generation  
16 Air Transportation System responsibilities  
17 is reflected in their annual performance  
18 evaluations and compensation decisions.

19 “(D)(i) Within 6 months after the date of  
20 enactment of the FAA Air Transportation Mod-  
21 ernization and Safety Improvement Act, the  
22 head of each such Department or agency shall  
23 execute a memorandum of understanding with  
24 the Office and with the other Departments and

1 agencies participating in the Next Generation  
2 Air Transportation System project that—

3 “(I) describes the respective respon-  
4 sibilities of each such Department and  
5 agency, including budgetary commitments;  
6 and

7 “(II) the budgetary and staff re-  
8 sources committed to the project.

9 “(ii) The memorandum shall be revised as  
10 necessary to reflect any changes in such respon-  
11 sibilities or commitments and be reflected in  
12 each Department or agency’s budget request.”;

13 (5) by striking “beyond those currently included  
14 in the Federal Aviation Administration’s Operational  
15 Evolution Plan” in subsection (b);

16 (6) by striking “research and development road-  
17 map” in subsection (b)(3) and inserting “implemen-  
18 tation plan”;

19 (7) by striking “and” after the semicolon in  
20 subsection (b)(3)(B);

21 (8) by inserting after subsection (b)(3)(C) the  
22 following:

23 “(D) a schedule of rulemakings required to  
24 issue regulations and guidelines for implementa-  
25 tion of the Next Generation Air Transportation

1           System within a timeframe consistent with the  
2           integrated plan; and”;

3           (9) by inserting “and key technologies” after  
4           “concepts” in subsection (b)(4);

5           (10) by striking “users” in subsection (b)(4)  
6           and inserting “users, an implementation plan,”;

7           (11) by adding at the end of subsection (b) the  
8           following:

9           “Within 6 months after the date of enactment of the FAA  
10          Air Transportation Modernization and Safety Improve-  
11          ment Act, the Administrator shall develop the implementa-  
12          tion plan described in paragraph (3) of this subsection and  
13          shall update it annually thereafter.”; and

14          (12) by striking “2010.” in subsection (e) and  
15          inserting “2011.”.

16          (b) SENIOR POLICY COMMITTEE MEETINGS.—Sec-  
17          tion 710(a) of such Act (49 U.S.C. 40101 note) is amend-  
18          ed by striking “Secretary.” and inserting “Secretary and  
19          shall meet at least once each quarter.”.

20       **SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.**

21          Section 40102(a)(4) is amended—

22               (1) by striking subparagraph (B) and inserting  
23               the following:

24                       “(B) runway lighting and airport surface  
25                       visual and other navigation aids;”;



1           (2) by striking “weather information, signaling,  
 2       radio-directional finding, or radio or other electro-  
 3       magnetic communication; and” in subparagraph (C)  
 4       and inserting “aeronautical and meteorological infor-  
 5       mation to air traffic control facilities or aircraft,  
 6       supplying communication, navigation or surveillance  
 7       equipment for air-to-ground or air-to-air applica-  
 8       tions;”;

9           (3) by striking “another structure” in subpara-  
 10      graph (D) and inserting “any structure or equip-  
 11      ment”;

12           (4) by striking “aircraft.” in subparagraph (D)  
 13      and inserting “aircraft; and”; and

14           (5) by adding at the end the following:

15                   “(E) buildings, equipment and systems  
 16                   dedicated to the National Airspace System.”.

17 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
 18 **TORY.**

19       Section 40110(a)(2) is amended by striking “com-  
 20      pensation; and” and inserting “compensation, and the  
 21      amount received may be credited to the appropriation cur-  
 22      rent when the amount is received; and”.

23 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

24       The Administrator shall make payments to the De-  
 25      partment of Defense for the education of dependent chil-

1 dren of those Administration employees in Puerto Rico  
 2 and Guam as they are subject to transfer by policy and  
 3 practice and meet the eligibility requirements of section  
 4 2164(c) of title 10, United States Code.

5 **SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.**

6 Section 40122(a)(2) is amended to read as follows:

7 “(2) DISPUTE RESOLUTION.—

8 “(A) MEDIATION.—If the Administrator  
 9 does not reach an agreement under paragraph  
 10 (1) or subsection (g)(2)(C) with the exclusive  
 11 bargaining representatives, the services of the  
 12 Federal Mediation and Conciliation Service  
 13 shall be used to attempt to reach such agree-  
 14 ment in accordance with part 1425 of title 29,  
 15 Code of Federal Regulations. The Adminis-  
 16 trator and bargaining representatives may by  
 17 mutual agreement adopt procedures for the res-  
 18 olution of disputes or impasses arising in the  
 19 negotiation of a collective-bargaining agree-  
 20 ment.

21 “(B) BINDING ARBITRATION.—If the serv-  
 22 ices of the Federal Mediation and Conciliation  
 23 Service under subparagraph (A) do not lead to  
 24 an agreement, the Administrator and the bar-  
 25 gaining representatives shall submit their issues

1 in controversy to the Federal Service Impasses  
2 Panel in accordance with section 7119 of title  
3 5. The Panel shall assist the parties in resolv-  
4 ing the impasse by asserting jurisdiction and  
5 ordering binding arbitration by a private arbi-  
6 tration board consisting of 3 members in ac-  
7 cordance with section 2471.6(a)(2)(ii) of title 5,  
8 Code of Federal Regulations. The executive di-  
9 rector of the Panel shall request a list of not  
10 less than 15 names of arbitrators with Federal  
11 sector experience from the director of the Fed-  
12 eral Mediation and Conciliation Service to be  
13 provided to the Administrator and the bar-  
14 gaining representatives. Within 10 days after  
15 receiving the list, the parties shall each select 1  
16 person. The 2 arbitrators shall then select a  
17 third person from the list within 7 days. If the  
18 2 arbitrators are unable to agree on the third  
19 person, the parties shall select the third person  
20 by alternately striking names from the list until  
21 only 1 name remains. If the parties do not  
22 agree on the framing of the issues to be sub-  
23 mitted, the arbitration board shall frame the  
24 issues. The arbitration board shall give the par-  
25 ties a full and fair hearing, including an oppor-

1           tunity to present evidence in support of their  
2           claims, and an opportunity to present their case  
3           in person, by counsel, or by other representative  
4           as they may elect. Decisions of the arbitration  
5           board shall be conclusive and binding upon the  
6           parties. The arbitration board shall render its  
7           decision within 90 days after its appointment.  
8           The Administrator and the bargaining rep-  
9           resentative shall share costs of the arbitration  
10          equally. The arbitration board shall take into  
11          consideration the effect of its arbitration deci-  
12          sions on the Federal Aviation Administration's  
13          ability to attract and retain a qualified work-  
14          force and the Federal Aviation Administration's  
15          budget.

16               “(C) EFFECT.—Upon reaching a voluntary  
17          agreement or at the conclusion of the binding  
18          arbitration under subparagraph (B) above, the  
19          final agreement, except for those matters de-  
20          cided by the arbitration board, shall be subject  
21          to ratification by the exclusive representative, if  
22          so requested by the exclusive representative,  
23          and approval by the head of the agency in ac-  
24          cordance with subsection (g)(2)(C).

1                   “(D) ENFORCEMENT.—Enforcement of the  
2                   provisions of this paragraph shall be in the  
3                   United States District Court for the District of  
4                   Columbia.”.

5   **SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

6       (a) OEP AIRPORT PROCEDURES.—

7           (1) IN GENERAL.—Within 6 months after the  
8           date of enactment of this Act, the Administrator  
9           shall publish a report, after consultation with rep-  
10          resentatives of appropriate Administration employee  
11          groups, airport operators, air carriers, and aircraft  
12          manufacturers that includes the following:

13               (A) RNP/RNAV OPERATIONS.—The re-  
14               quired navigation performance and area naviga-  
15               tion operations, including the procedures to be  
16               developed, certified, and published and the air  
17               traffic control operational changes, to maximize  
18               the efficiency and capacity of NextGen commer-  
19               cial operations at the 35 Operational Evolution  
20               Partnership airports identified by the Adminis-  
21               tration.

22               (B) COORDINATION AND IMPLEMENTATION  
23               ACTIVITIES.—A description of the activities and  
24               operational changes and approvals required to

1 coordinate and utilize those procedures at those  
2 airports.

3 (C) IMPLEMENTATION PLAN.—A plan for  
4 implementing those procedures that estab-  
5 lishes—

6 (i) clearly defined budget, schedule,  
7 project organization, and leadership re-  
8 quirements;

9 (ii) specific implementation and tran-  
10 sition steps; and

11 (iii) baseline and performance metrics  
12 for measuring the Administration's  
13 progress in implementing the plan, includ-  
14 ing the percentage utilization of required  
15 navigation performance in the National  
16 Airspace System.

17 (D) COST/BENEFIT ANALYSIS FOR THIRD-  
18 PARTY USAGE.—An assessment of the costs and  
19 benefits of using third parties to assist in the  
20 development of the procedures.

21 (E) ADDITIONAL PROCEDURES.—A process  
22 for the identification, certification, and publica-  
23 tion of additional required navigation perform-  
24 ance and area navigation procedures that may  
25 be required at such airports in the future.

1           (2) IMPLEMENTATION SCHEDULE.—The Ad-  
2       ministrator shall certify, publish, and implement—

3           (A) 30 percent of the required procedures  
4       within 18 months after the date of enactment  
5       of this Act;

6           (B) 60 percent of the procedures within 36  
7       months after the date of enactment of this Act;  
8       and

9           (C) 100 percent of the procedures before  
10      January 1, 2014.

11      (b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

12           (1) IN GENERAL.—No later than January 1,  
13      2014, the Administrator shall publish a report, after  
14      consultation with representatives of appropriate Ad-  
15      ministration employee groups, airport operators, and  
16      air carriers, that includes a plan for applying the  
17      procedures, requirements, criteria, and metrics de-  
18      scribed in subsection (a)(1) to other airports across  
19      the Nation.

20           (2) IMPLEMENTATION SCHEDULE.—The Ad-  
21      ministrator shall certify, publish, and implement—

22           (A) 25 percent of the required procedures  
23      at such other airports before January 1, 2015;

24           (B) 50 percent of the procedures at such  
25      other airports before January 1, 2016;

1 (C) 75 percent of the procedures at such  
2 other airports before January 1, 2017; and

3 (D) 100 percent of the procedures before  
4 January 1, 2018.

5 (c) ESTABLISHMENT OF PRIORITIES.—The Adminis-  
6 trator shall extend the charter of the Performance Based  
7 Navigation Aviation Rulemaking Committee as necessary  
8 to authorize and request it to establish priorities for the  
9 development, certification, publication, and implementa-  
10 tion of the navigation performance and area navigation  
11 procedures based on their potential safety and congestion  
12 benefits.

13 (d) COORDINATED AND EXPEDITED REVIEW.—Navi-  
14 gation performance and area navigation procedures devel-  
15 oped, certified, published, and implemented under this sec-  
16 tion shall be presumed to be covered by a categorical ex-  
17 clusion (as defined in section 1508.4 of title 40, Code of  
18 Federal Regulations) under chapter 3 of FAA Order  
19 1050.1E unless the Administrator determines that ex-  
20 traordinary circumstances exist with respect to the proce-  
21 dure.

22 (e) DEPLOYMENT PLAN FOR NATIONWIDE DATA  
23 COMMUNICATIONS SYSTEM.—Within 1 year after the date  
24 of enactment of this Act, the Administrator shall submit  
25 a plan for implementation of a nationwide communications



1 system to the Senate Committee on Commerce, Science,  
2 and Transportation and the House of Representatives  
3 Committee on Transportation and Infrastructure. The  
4 plan shall include—

5 (1) clearly defined budget, schedule, project or-  
6 ganization, and leadership requirements;

7 (2) specific implementation and transition  
8 steps; and

9 (3) baseline and performance metrics for meas-  
10 uring the Administration’s progress in implementing  
11 the plan.

12 (f) IMPROVED PERFORMANCE STANDARDS.—Within  
13 90 days after the date of enactment of this Act, the Ad-  
14 ministrator shall submit a report to the Senate committee  
15 on commerce, Science, and Transportation and the House  
16 of Representatives Committee on Transportation and In-  
17 frastructure that—

18 (1) evaluates whether utilization of ADS-B,  
19 RNP, and other technologies as part of the NextGen  
20 Air Transportation System implementation plan will  
21 display the position of aircraft more accurately and  
22 frequently so as to enable a more efficient use of ex-  
23 isting airspace and result in reduced consumption of  
24 aviation fuel and aircraft engine emissions;

1           (2) evaluates the feasibility of reducing aircraft  
 2       separation standards in a safe manner as a result of  
 3       implementation of such technologies; and

4           (3) if the Administrator determines that such  
 5       standards can be reduced safely, includes a timetable  
 6       for implementation of such reduced standards.

7   **SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.**

8       (a) IN GENERAL.—

9           (1) REPORT REQUIRED.—Within 90 days after  
 10      the date of enactment of this Act, the Administrator  
 11      shall submit a report to the Senate Committee on  
 12      Commerce, Science, and Transportation and the  
 13      House of Representatives Committee on Transpor-  
 14      tation and Infrastructure detailing the Administra-  
 15      tion’s program and schedule for integrating ADS-B  
 16      technology into the National Airspace System. The  
 17      report shall include—

18           (A) a clearly defined budget, schedule,  
 19      project organization, leadership, and the spe-  
 20      cific implementation or transition steps required  
 21      to achieve these ADS-B ground station instal-  
 22      lation goals;

23           (B) a transition plan for ADS-B that in-  
 24      cludes date-specific milestones for the imple-

1           mentation of new capabilities into the National  
2           Airspace System;

3           (C) identification of any potential oper-  
4           ational or workforce changes resulting from de-  
5           ployment of ADS-B;

6           (D) detailed plans and schedules for imple-  
7           mentation of advanced operational procedures  
8           and ADS-B air-to-air applications; and

9           (E) baseline and performance metrics in  
10          order to measure the agency's progress.

11          (2) IDENTIFICATION AND MEASUREMENT OF  
12          BENEFITS.—In the report required by paragraph  
13          (1), the Administrator shall identify actual benefits  
14          that will accrue to National Airspace System users  
15          from deployment of ADS-B and provide an expla-  
16          nation of the metrics used to quantify those benefits.

17          (b) RULEMAKINGS.—

18           (1) ADS-B OUT.—Not later than 45 days after  
19          the date of enactment of this Act the Administrator  
20          shall—

21           (A) complete the initial rulemaking pro-  
22           ceeding (Docket No. FAA-2007-29305; Notice  
23           No. 07-15; 72 FR 56947) to issue guidelines  
24           and regulations for ADS-B Out technology  
25           that—

1 (i) identify the ADS-B Out tech-  
2 nology that will be required under  
3 NextGen;

4 (ii) subject to paragraph (3), require  
5 all aircraft to be equipped with such tech-  
6 nology by 2015; and

7 (iii) identify—

8 (I) the type of such avionics re-  
9 quired of aircraft for all classes of air-  
10 space;

11 (II) the expected costs associated  
12 with the avionics; and

13 (III) the expected uses and bene-  
14 fits of the avionics; and

15 (B) initiate a rulemaking proceeding to  
16 issue any additional guidelines and regulations  
17 for ADS-B Out technology not addressed in the  
18 initial rulemaking.

19 (2) ADS-B IN.—Not later than 45 days after  
20 the date of enactment of this Act the Administrator  
21 shall initiate a rulemaking proceeding to issue guide-  
22 lines and regulations for ADS-B In technology  
23 that—

24 (A) identify the ADS-B In technology that  
25 will be required under NextGen;

1 (B) subject to paragraph (3), require all  
2 aircraft to be equipped with such technology by  
3 2018; and

4 (C) identify—

5 (i) the type of such avionics required  
6 of aircraft for all classes of airspace;

7 (ii) the expected costs associated with  
8 the avionics; and

9 (iii) the expected uses and benefits of  
10 the avionics.

11 (3) READINESS VERIFICATION.—Before the  
12 date on which all aircraft are required to be  
13 equipped with ADS-B technology pursuant to  
14 rulemakings under paragraphs (1) and (2), the Air  
15 Traffic Control Modernization Oversight Board shall  
16 verify that—

17 (A) the necessary ground infrastructure is  
18 installed and functioning properly;

19 (B) certification standards have been ap-  
20 proved; and

21 (C) appropriate operational platforms  
22 interface safely and efficiently.

23 (c) USES.—Within 18 months after the date of enact-  
24 ment of this Act, the Administrator shall develop, in con-  
25 sultation with appropriate employee groups, a plan for the

1 use of ADS-B technology for surveillance and active air  
2 traffic control by 2015. The plans shall—

3 (1) include provisions to test the use of ADS-  
4 B prior to the 2015 deadline for surveillance and ac-  
5 tive air traffic control in specific regions of the coun-  
6 try with the most congested airspace;

7 (2) identify the equipment required at air traf-  
8 fic control facilities and the training required for air  
9 traffic controllers;

10 (3) develop procedures, in consultation with ap-  
11 propriate employee groups, to conduct air traffic  
12 management in mixed equipage environments; and

13 (4) establish a policy in these test regions, with  
14 consultation from appropriate employee groups, to  
15 provide incentives for equipage with ADS-B tech-  
16 nology by giving priority to aircraft equipped with  
17 such technology before the 2015 and 2018 equipage  
18 deadlines.

19 **SEC. 316. EQUIPAGE INCENTIVES.**

20 (a) IN GENERAL.—The Administrator shall issue a  
21 report that—

22 (1) identifies incentive options to encourage the  
23 equipage of aircraft with NextGen technologies, in-  
24 cluding a policy that gives priority to aircraft  
25 equipped with ADS-B technology;

1           (2) identifies the costs and benefits of each op-  
2           tion; and

3           (3) includes input from industry stakeholders,  
4           including passenger and cargo air carriers, aerospace  
5           manufacturers, and general aviation aircraft opera-  
6           tors.

7           (b) DEADLINE.—The Administrator shall issue the  
8           report before the earlier of—

9           (1) the date that is 6 months after the date of  
10          enactment of this Act; or

11          (2) the date on which aircraft are required to  
12          be equipped with ADS-B technology pursuant to  
13          rulemakings under section 315(b) of this Act.

14   **SEC. 317. PERFORMANCE METRICS.**

15          (a) IN GENERAL.—No later than June 1, 2010, the  
16          Administrator shall establish and track National Airspace  
17          System performance metrics, including, at a minimum—

18          (1) the allowable operations per hour on run-  
19          ways;

20          (2) average gate-to-gate times;

21          (3) fuel burned between key city pairs;

22          (4) operations using the advanced procedures  
23          implemented under section 314 of this Act;

24          (5) average distance flown between key city  
25          pairs;

- 1           (6) time between pushing back from the gate
- 2           and taking off;
- 3           (7) uninterrupted climb or descent;
- 4           (8) average gate arrival delay for all arrivals;
- 5           (9) flown versus filed flight times for key city
- 6           pairs; and
- 7           (10) metrics to demonstrate reduced fuel burn
- 8           and reduced emissions.

9           (b) OPTIMAL BASELINES.—The Administrator, in  
10 consultation with aviation industry stakeholders, shall  
11 identify optimal baselines for each of these metrics and  
12 appropriate methods to measure deviations from these  
13 baselines.

14          (c) PUBLICATION.—The Administration shall make  
15 the data obtained under subsection (a) available to the  
16 public in a searchable, sortable, downloadable format  
17 through its website and other appropriate media.

18          (d) REPORTS.—

19               (1) INITIAL REPORT.—Not later than 90 days  
20 after the date of enactment of this Act, the Adminis-  
21 trator shall submit to the Senate Committee on  
22 Commerce, Science, and Transportation and the  
23 House of Representatives Committee on Transpor-  
24 tation and Infrastructure that contains—



1 (A) a description of the metrics that will  
2 be used to measure the Administration's  
3 progress in implementing NextGen Air Trans-  
4 portation System capabilities and operational  
5 results; and

6 (B) information about how any additional  
7 metrics were developed.

8 (2) ANNUAL PROGRESS REPORT.—The Admin-  
9 istrator shall submit an annual progress report to  
10 those committees on the Administration's progress  
11 in implementing NextGen Air Transportation Sys-  
12 tem.

13 **SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.**

14 (a) IN GENERAL.—Within 6 months after the date  
15 of enactment of this Act, the Administrator shall develop  
16 a plan to accelerate and streamline the process for certifi-  
17 cation of NextGen technologies, including—

18 (1) updated project plans and timelines to meet  
19 the deadlines established by this title;

20 (2) identification of the specific activities need-  
21 ed to certify core NextGen technologies, including  
22 the establishment of NextGen technical requirements  
23 for the manufacture of equipage, installation of equi-  
24 page, airline operational procedures, pilot training

1 standards, air traffic control procedures, and air  
 2 traffic controller training;

3 (3) staffing requirements for the Air Certifi-  
 4 cation Service and the Flight Standards Service, and  
 5 measures addressing concerns expressed by the De-  
 6 partment of Transportation Inspector General and  
 7 the Comptroller General regarding staffing needs for  
 8 modernization;

9 (4) an assessment of the extent to which the  
 10 Administration will use third parties in the certifi-  
 11 cation process, and the cost and benefits of this ap-  
 12 proach; and

13 (5) performance metrics to measure the Admin-  
 14 istration's progress.

15 (b) CERTIFICATION INTEGRITY.—The Administrator  
 16 shall make no distinction between public or privately  
 17 owned equipment, systems, or services used in the Na-  
 18 tional Airspace System when determining certification re-  
 19 quirements.

20 **SEC. 319. UNMANNED AERIAL SYSTEMS.**

21 (a) IN GENERAL.—Within 1 year after the date of  
 22 enactment of this Act, the Administrator shall develop a  
 23 plan to accelerate the integration of unmanned aerial sys-  
 24 tems into the National Airspace System that—

1           (1) creates a pilot project to integrate such ve-  
2           hicles into the National Airspace System at 2 test  
3           sites in the National Airspace System by 2012;

4           (2) creates a safe, non-exclusionary airspace  
5           designation for cooperative manned and unmanned  
6           flight operations in the National Airspace System;

7           (3) establishes a process to develop certification,  
8           flight standards, and air traffic requirements for  
9           such vehicles at the test sites;

10          (4) dedicates funding for unmanned aerial sys-  
11          tems research and development to certification,  
12          flight standards, and air traffic requirements;

13          (5) encourages leveraging and coordination of  
14          such research and development activities with the  
15          National Aeronautics and Space Administration and  
16          the Department of Defense;

17          (6) addresses both military and civilian un-  
18          manned aerial system operations;

19          (7) ensures the unmanned aircraft systems inte-  
20          gration plan is incorporated in the Administration's  
21          NextGen Air Transportation System implementation  
22          plan; and

23          (8) provides for verification of the safety of the  
24          vehicles and navigation procedures before their inte-  
25          gration into the National Airspace System.

1 **SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.**

2 (a) IN GENERAL.—The Air Traffic Organization  
3 shall—

4 (1) evaluate the Airport Surface Detection  
5 Equipment-Model X program for its potential con-  
6 tribution to implementation of the NextGen initia-  
7 tive;

8 (2) evaluate airport surveillance technologies  
9 and associated collaborative surface management  
10 software for potential contributions to implementa-  
11 tion of NextGen surface management;

12 (3) accelerate implementation of the program;  
13 and

14 (4) carry out such additional duties as the Ad-  
15 ministrator may require.

16 (b) EXPEDITED CERTIFICATION AND UTILIZA-  
17 TION.—The Administrator shall—

18 (1) consider options for expediting the certifi-  
19 cation of Ground Based Augmentation System tech-  
20 nology; and

21 (2) develop a plan to utilize such a system at  
22 the 35 Operational Evolution Partnership airports  
23 by September 30, 2012.

24 **SEC. 321. STAKEHOLDER COORDINATION.**

25 (a) IN GENERAL.—The Administrator shall establish  
26 a process for including qualified employees selected by

1 each exclusive collective bargaining representative of em-  
 2 ployees of the Administration who are likely to be affected  
 3 by the planning, development, and deployment of air traf-  
 4 fic control modernization projects (including the Next  
 5 Generation Air Transportation System) in, and collabo-  
 6 rating with, such employees in the planning, development,  
 7 and deployment of those projects.

8 (b) PARTICIPATION.—

9 (1) BARGAINING OBLIGATIONS AND RIGHTS.—

10 Participation in the process described in subsection  
 11 (a) shall not be construed as a waiver of any bar-  
 12 gaining obligations or rights under section  
 13 40122(a)(1) or 40122(g)(2)(C) of title 49, United  
 14 States Code.

15 (2) CAPACITY AND COMPENSATION.—Exclusive  
 16 collective bargaining representatives and selected  
 17 employees participating in the process described in  
 18 subsection (a) shall—

19 (A) serve in a collaborative and advisory  
 20 capacity; and

21 (B) receive appropriate travel and per  
 22 diem expenses in accordance with the travel  
 23 policies of the Administration in addition to any  
 24 regular compensation and benefits.

1 (c) REPORT.—No later than 180 days after the date  
 2 of enactment of this Act, the Administrator shall submit  
 3 a report on the implementation of this section to the Sen-  
 4 ate Committee on Commerce, Science, and Transportation  
 5 and the House of Representatives Committee on Trans-  
 6 portation and Infrastructure.

7 **SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
 8 **CILITY CONDITIONS.**

9 (a) ESTABLISHMENT.—The Administrator shall es-  
 10 tablish a special task force to be known as the “FAA Task  
 11 Force on Air Traffic Control Facility Conditions”.

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—The Task Force shall be  
 14 composed of 11 members of whom—

15 (A) 7 members shall be appointed by the  
 16 Administrator; and

17 (B) 4 members shall be appointed by labor  
 18 unions representing employees who work at  
 19 field facilities of the Administration.

20 (2) QUALIFICATIONS.—Of the members ap-  
 21 pointed by the Administrator under paragraph

22 (1)(A)—

23 (A) 4 members shall be specialists on toxic  
 24 mold abatement, “sick building syndrome,” and  
 25 other hazardous building conditions that can

1           lead to employee health concerns and shall be  
2           appointed by the Administrator in consultation  
3           with the Director of the National Institute for  
4           Occupational Safety and Health; and

5           (B) 2 members shall be specialists on the  
6           rehabilitation of aging buildings.

7           (3) TERMS.—Members shall be appointed for  
8           the life of the Task Force.

9           (4) VACANCIES.—A vacancy in the Task Force  
10          shall be filled in the manner in which the original  
11          appointment was made.

12          (5) TRAVEL EXPENSES.—Members shall serve  
13          without pay but shall receive travel expenses, includ-  
14          ing per diem in lieu of subsistence, in accordance  
15          with subchapter I of chapter 57 of title 5, United  
16          States Code.

17          (c) CHAIRPERSON.—The Administrator shall des-  
18          ignate, from among the individuals appointed under sub-  
19          section (b)(1), an individual to serve as chairperson of the  
20          Task Force.

21          (d) TASK FORCE PERSONNEL MATTERS.—

22                (1) STAFF.—The Task Force may appoint and  
23          fix the pay of such personnel as it considers appro-  
24          priate.

1           (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
2       request of the Chairperson of the Task Force, the  
3       head of any department or agency of the United  
4       States may detail, on a reimbursable basis, any of  
5       the personnel of that department or agency to the  
6       Task Force to assist it in carrying out its duties  
7       under this section.

8           (3) OTHER STAFF AND SUPPORT.—Upon re-  
9       quest of the Task Force or a panel of the Task  
10      Force, the Administrator shall provide the Task  
11      Force or panel with professional and administrative  
12      staff and other support, on a reimbursable basis, to  
13      the Task Force to assist it in carrying out its duties  
14      under this section.

15      (e) OBTAINING OFFICIAL DATA.—The Task Force  
16      may secure directly from any department or agency of the  
17      United States information (other than information re-  
18      quired by any statute of the United States to be kept con-  
19      fidential by such department or agency) necessary for the  
20      Task Force to carry out its duties under this section.  
21      Upon request of the chairperson of the Task Force, the  
22      head of that department or agency shall furnish such in-  
23      formation to the Task Force.

24      (f) DUTIES.—



1           (1) STUDY.—The Task Force shall undertake a  
2 study of—

3                   (A) the conditions of all air traffic control  
4 facilities across the Nation, including towers,  
5 centers, and terminal radar air control;

6                   (B) reports from employees of the Admin-  
7 istration relating to respiratory ailments and  
8 other health conditions resulting from exposure  
9 to mold, asbestos, poor air quality, radiation  
10 and facility-related hazards in facilities of the  
11 Administration;

12                  (C) conditions of such facilities that could  
13 interfere with such employees' ability to effec-  
14 tively and safely perform their duties;

15                  (D) the ability of managers and super-  
16 visors of such employees to promptly document  
17 and seek remediation for unsafe facility condi-  
18 tions;

19                  (E) whether employees of the Administra-  
20 tion who report facility-related illnesses are  
21 treated fairly;

22                  (F) utilization of scientifically approved re-  
23 mediation techniques in a timely fashion once  
24 hazardous conditions are identified in a facility  
25 of the Administration; and

1 (G) resources allocated to facility mainte-  
2 nance and renovation by the Administration.

3 (2) FACILITY CONDITION INDICES.—The Task  
4 Force shall review the facility condition indices of  
5 the Administration for inclusion in the recommenda-  
6 tions under subsection (g).

7 (g) RECOMMENDATIONS.—Based on the results of  
8 the study and review of the facility condition indices under  
9 subsection (f), the Task Force shall make recommenda-  
10 tions as it considers necessary to—

11 (1) prioritize those facilities needing the most  
12 immediate attention in order of the greatest risk to  
13 employee health and safety;

14 (2) ensure that the Administration is using sci-  
15 entifically approved remediation techniques in all fa-  
16 cilities; and

17 (3) assist the Administration in making pro-  
18 grammatic changes so that aging air traffic control  
19 facilities do not deteriorate to unsafe levels.

20 (h) REPORT.—Not later than 6 months after the date  
21 on which initial appointments of members to the Task  
22 Force are completed, the Task Force shall submit a report  
23 to the Administrator, the Senate Committee on Com-  
24 merce, Science, and Transportation, and the House of  
25 Representatives Committee on Transportation and Infra-

1 structure on the activities of the Task Force, including  
 2 the recommendations of the Task Force under subsection  
 3 (g).

4 (i) IMPLEMENTATION.—Within 30 days after receipt  
 5 of the Task Force report under subsection (h), the Admin-  
 6 istrator shall submit to the House of Representatives  
 7 Committee on Transportation and Infrastructure and the  
 8 Senate Committee on Commerce, Science, and Transpor-  
 9 tation a report that includes a plan and timeline to imple-  
 10 ment the recommendations of the Task Force and to align  
 11 future budgets and priorities of the Administration ac-  
 12 cordingly.

13 (j) TERMINATION.—The Task Force shall terminate  
 14 on the last day of the 30-day period beginning on the date  
 15 on which the report under subsection (h) is submitted.

16 (k) APPLICABILITY OF THE FEDERAL ADVISORY  
 17 COMMITTEE ACT.—The Federal Advisory Committee Act  
 18 (5 U.S.C. App.) shall not apply to the Task Force.

19 **SEC. 323. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.**

20 (a) IN GENERAL.—

21 (1) COOPERATIVE AGREEMENTS.—Subject to  
 22 the provisions of this section, the Secretary of  
 23 Transportation may enter into cooperative agree-  
 24 ments with not to exceed 5 States for the establish-  
 25 ment of State ADS-B equipage banks for making

1 loans and providing other assistance to public enti-  
2 ties for projects eligible for assistance under this  
3 section.

4 (b) FUNDING.—

5 (1) SEPARATE ACCOUNT.—An ADS–B equipage  
6 bank established under this section shall maintain a  
7 separate aviation trust fund account for Federal  
8 funds contributed to the bank under paragraph (2).  
9 No Federal funds contributed or credited to an ac-  
10 count of an ADS–B equipage bank established under  
11 this section may be commingled with Federal funds  
12 contributed or credited to any other account of such  
13 bank.

14 (2) AUTHORIZATION.—There are authorized to  
15 be appropriated to the Secretary \$25,000,000 for  
16 each of fiscal years 2010 through 2014.

17 (c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE  
18 BANKS.—An ADS–B equipage bank established under  
19 this section may make loans or provide other assistance  
20 to a public entity in an amount equal to all or part of  
21 the cost of carrying out a project eligible for assistance  
22 under this section. The amount of any loan or other assist-  
23 ance provided for such project may be subordinated to any  
24 other debt financing for the project.

1 (d) QUALIFYING PROJECTS.—Federal funds in the  
 2 ADS–B equipage account of an ADS–B equipage bank es-  
 3 tablished under this section may be used only to provide  
 4 assistance with respect to aircraft ADS–B and related avi-  
 5 onics equipage.

6 (e) REQUIREMENTS.—In order to establish an ADS–  
 7 B equipage bank under this section, each State estab-  
 8 lishing such a bank shall—

9 (1) contribute, at a minimum, in each account  
 10 of the bank from non-Federal sources an amount  
 11 equal to 50 percent of the amount of each capitaliza-  
 12 tion grant made to the State and contributed to the  
 13 bank;

14 (2) ensure that the bank maintains on a con-  
 15 tinuing basis an investment grade rating on its debt  
 16 issuances or has a sufficient level of bond or debt fi-  
 17 nancing instrument insurance to maintain the viabil-  
 18 ity of the bank;

19 (3) ensure that investment income generated by  
 20 funds contributed to an account of the bank will  
 21 be—

22 (A) credited to the account;

23 (B) available for use in providing loans  
 24 and other assistance to projects eligible for as-  
 25 sistance from the account; and

1 (C) invested in United States Treasury se-  
 2 curities, bank deposits, or such other financing  
 3 instruments as the Secretary may approve to  
 4 earn interest to enhance the leveraging of  
 5 projects assisted by the bank;

6 (4) ensure that any loan from the bank will  
 7 bear interest at or below market interest rates, as  
 8 determined by the State, to make the project that is  
 9 the subject of the loan feasible;

10 (5) ensure that the term for repaying any loan  
 11 will not exceed 10 years after the date of the first  
 12 payment on the loan; and

13 (6) require the bank to make an annual report  
 14 to the Secretary on its status no later than Sep-  
 15 tember 30 of each year for which funds are made  
 16 available under this section, and to make such other  
 17 reports as the Secretary may require by guidelines.

18 **SEC. 324. DEFINITIONS.**

19 In this title:

20 (1) ADMINISTRATION.—The term “Administra-  
 21 tion” means the Federal Aviation Administration.

22 (2) ADMINISTRATOR.—The term “Adminis-  
 23 trator” means the Administrator of the Federal  
 24 Aviation Administration.

1 (3) NEXTGEN.—The term “NextGen” means  
2 the Next Generation Air Transportation System.

3 (4) SECRETARY.—The term “Secretary” means  
4 the Secretary of Transportation.

5 **TITLE IV—AIRLINE SERVICE**  
6 **AND SMALL COMMUNITY AIR**  
7 **SERVICE IMPROVEMENTS**

8 SUBTITLE A—CONSUMER PROTECTION

9 **SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.**

10 (a) IN GENERAL.—Chapter 417 is amended by add-  
11 ing at the end the following:

12 “SUBCHAPTER IV—AIRLINE CUSTOMER  
13 SERVICE

14 **“§ 41781. Air carrier and airport contingency plans**  
15 **for long on-board tarmac delays**

16 “(a) DEFINITION OF TARMAC DELAY.—The term  
17 ‘tarmac delay’ means the holding of an aircraft on the  
18 ground before taking off or after landing with no oppor-  
19 tunity for its passengers to deplane.

20 “(b) SUBMISSION OF AIR CARRIER AND AIRPORT  
21 PLANS.—Not later than 60 days after the date of the en-  
22 actment of the FAA Air Transportation Modernization  
23 and Safety Improvement Act, each air carrier and airport  
24 operator shall submit, in accordance with the requirements

1 under this section, a proposed contingency plan to the Sec-  
 2 retary of Transportation for review and approval.

3 “(c) MINIMUM STANDARDS.—The Secretary of  
 4 Transportation shall establish minimum standards for ele-  
 5 ments in contingency plans required to be submitted under  
 6 this section to ensure that such plans effectively address  
 7 long on-board tarmac delays and provide for the health  
 8 and safety of passengers and crew.

9 “(d) AIR CARRIER PLANS.—The plan shall require  
 10 each air carrier to implement at a minimum the following:

11 “(1) PROVISION OF ESSENTIAL SERVICES.—  
 12 Each air carrier shall provide for the essential needs  
 13 of passengers on board an aircraft at an airport in  
 14 any case in which the departure of a flight is de-  
 15 layed or disembarkation of passengers on an arriving  
 16 flight that has landed is substantially delayed, in-  
 17 cluding—

18 “(A) adequate food and potable water;

19 “(B) adequate restroom facilities;

20 “(C) cabin ventilation and comfortable  
 21 cabin temperatures; and

22 “(D) access to necessary medical treat-  
 23 ment.

24 “(2) RIGHT TO DEPLANE.—



1           “(A) IN GENERAL.—Each air carrier shall  
2 submit a proposed contingency plan to the Sec-  
3 retary of Transportation that identifies a clear  
4 time frame under which passengers would be  
5 permitted to deplane a delayed aircraft. After  
6 the Secretary has reviewed and approved the  
7 proposed plan, the air carrier shall make the  
8 plan available to the public.

9           “(B) DELAYS.—

10           “(i) IN GENERAL.—As part of the  
11 plan, except as provided under clause (iii),  
12 an air carrier shall provide passengers with  
13 the option of deplaning and returning to  
14 the terminal at which such deplaning could  
15 be safely completed, or deplaning at the  
16 terminal if—

17           “(I) 3 hours have elapsed after  
18 passengers have boarded the aircraft,  
19 the aircraft doors are closed, and the  
20 aircraft has not departed; or

21           “(II) 3 hours have elapsed after  
22 the aircraft has landed and the pas-  
23 sengers on the aircraft have been un-  
24 able to deplane.

1                   “(ii) FREQUENCY.—The option de-  
2                   scribed in clause (i) shall be offered to pas-  
3                   sengers at a minimum not less often than  
4                   once during each successive 3-hour period  
5                   that the plane remains on the ground.

6                   “(iii) EXCEPTIONS.—This subpara-  
7                   graph shall not apply if—

8                   “(I) the pilot of such aircraft  
9                   reasonably determines that the air-  
10                  craft will depart or be unloaded at the  
11                  terminal not later than 30 minutes  
12                  after the 3 hour delay; or

13                  “(II) the pilot of such aircraft  
14                  reasonably determines that permitting  
15                  a passenger to deplane would jeop-  
16                  ardize passenger safety or security.

17                  “(C) APPLICATION TO DIVERTED  
18                  FLIGHTS.—This section applies to aircraft with-  
19                  out regard to whether they have been diverted  
20                  to an airport other than the original destina-  
21                  tion.

22                  “(D) REPORTS.—Not later than 30 days  
23                  after any flight experiences a tarmac delay last-  
24                  ing at least 3 hours, the air carrier responsible  
25                  for such flight shall submit a written descrip-

1           tion of the incident and its resolution to the  
2           Aviation Consumer Protection Office of the De-  
3           partment of Transportation.

4           “(e) AIRPORT PLANS.—Each airport operator shall  
5 submit a proposed contingency plan under subsection (b)  
6 that contains a description of—

7           “(1) how the airport operator will provide for  
8 the deplanement of passengers following a long  
9 tarmac delay; and

10          “(2) how, to the maximum extent practicable,  
11 the airport operator will provide for the sharing of  
12 facilities and make gates available at the airport for  
13 use by aircraft experiencing such delays.

14          “(f) UPDATES.—The Secretary shall require periodic  
15 reviews and updates of the plans as necessary.

16          “(g) APPROVAL.—

17          “(1) IN GENERAL.—Not later than 6 months  
18 after the date of the enactment of this section, the  
19 Secretary of Transportation shall—

20               “(A) review the initial contingency plans  
21 submitted under subsection (b); and

22               “(B) approve plans that closely adhere to  
23 the standards described in subsections (d) or  
24 (e), whichever is applicable.

1           “(2) UPDATES.—Not later than 60 days after  
 2           the submission of an update under subsection (f) or  
 3           an initial contingency plan by a new air carrier or  
 4           airport, the Secretary shall—

5                   “(A) review the plan; and

6                   “(B) approve the plan if it closely adheres  
 7           to the standards described in subsections (d) or  
 8           (e), whichever is applicable.

9           “(h) CIVIL PENALTIES.—The Secretary may assess  
 10   a civil penalty under section 46301 against any air carrier  
 11   or airport operator that does not submit, obtain approval  
 12   of, or adhere to a contingency plan submitted under this  
 13   section.

14          “(i) PUBLIC ACCESS.—Each air carrier and airport  
 15   operator required to submit a contingency plan under this  
 16   section shall ensure public access to an approved plan  
 17   under this section by—

18                   “(1) including the plan on the Internet Web  
 19           site of the carrier or airport; or

20                   “(2) disseminating the plan by other means, as  
 21           determined by the Secretary.

22   **“§ 41782. Air passenger complaints hotline and infor-**  
 23                   **mation**

24          “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-  
 25   PHONE NUMBER.—The Secretary of Transportation shall

1 establish a consumer complaints hotline telephone number  
2 for the use of air passengers.

3 “(b) PUBLIC NOTICE.—The Secretary shall notify  
4 the public of the telephone number established under sub-  
5 section (a).

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated such sums as may be  
8 necessary to carry out this section, which sums shall re-  
9 main available until expended.”.

10 (b) CONFORMING AMENDMENT.—The table of con-  
11 tents for chapter 417 is amended by adding at the end  
12 the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“41781. Air carrier and airport contingency plans for long on-board tarmac  
delays.

“41782. Air passenger complaints hotline and information.”.

13 **SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND**  
14 **FLIGHT DELAY HISTORY.**

15 (a) IN GENERAL.—Section 41722 is amended by  
16 adding at the end the following:

17 “(f) CHRONICALLY DELAYED FLIGHTS.—

18 “(1) PUBLICATION OF LIST OF FLIGHTS.—

19 Each air carrier holding a certificate issued under  
20 section 41102 that conducts scheduled passenger air  
21 transportation shall, on a monthly basis—

1           “(A) publish and update on the Internet  
2           website of the air carrier a list of chronically  
3           delayed flights operated by such air carrier; and

4           “(B) share such list with each entity that  
5           is authorized to book passenger air transpor-  
6           tation for such air carrier for inclusion on the  
7           Internet website of such entity.

8           “(2) DISCLOSURE TO CUSTOMERS WHEN PUR-  
9           CHASING TICKETS.—For each individual who books  
10          passenger air transportation on the Internet website  
11          of an air carrier, or the Internet website of an entity  
12          that is authorized to book passenger air transpor-  
13          tation for an air carrier, for any flight for which  
14          data is reported to the Department of Transpor-  
15          tation under part 234 of title 14, Code of Federal  
16          Regulations, such air carrier or entity, as the case  
17          may be, shall prominently disclose to such indi-  
18          vidual, before such individual makes such booking,  
19          the following:

20                 “(A) The on-time performance for the  
21                 flight if the flight is a chronically delayed flight.

22                 “(B) The cancellation rate for the flight if  
23                 the flight is a chronically canceled flight.

24           “(3) DEFINITIONS.—In this subsection:

1 “(A) CHRONICALLY DELAYED FLIGHT.—

2 The term ‘chronically delayed flight’ means a  
3 regularly scheduled flight that has failed to ar-  
4 rive on time (as such term is defined in section  
5 234.2 of title 14, Code of Federal Regulations)  
6 at least 40 percent of the time during the most  
7 recent 3-month period for which data is avail-  
8 able.

9 “(B) CHRONICALLY CANCELED FLIGHT.—

10 The term ‘chronically canceled flight’ means a  
11 regularly scheduled flight at least 30 percent of  
12 the departures of which have been canceled dur-  
13 ing the most recent 3-month period for which  
14 data is available.”.

15 (b) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) shall take effect 180 days after the date  
17 of enactment of this Act.

18 **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**

19 **PLAINT INVESTIGATIONS.**

20 (a) IN GENERAL.—Subject to the availability of ap-  
21 propriations, the Secretary of Transportation shall inves-  
22 tigate consumer complaints regarding—

23 (1) flight cancellations;

24 (2) compliance with Federal regulations con-  
25 cerning overbooking seats flights;

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those re-



1 quired by subchapter IV of chapter 417 of title 49, United  
2 States Code.

3 (b) MEMBERSHIP.—The Secretary shall appoint  
4 members of the advisory committee comprised of one rep-  
5 resentative each of—

6 (1) air carriers;

7 (2) airport operators;

8 (3) State or local governments who has exper-  
9 tise in consumer protection matters; and

10 (4) a nonprofit public interest group who has  
11 expertise in consumer protection matters.

12 (c) VACANCIES.—A vacancy in the advisory com-  
13 mittee shall be filled in the manner in which the original  
14 appointment was made.

15 (d) TRAVEL EXPENSES.—Members of the advisory  
16 committee shall serve without pay but shall receive travel  
17 expenses, including per diem in lieu of subsistence, in ac-  
18 cordance with subchapter I of chapter 57 of title 5, United  
19 States Code.

20 (e) CHAIRPERSON.—The Secretary shall designate,  
21 from among the individuals appointed under subsection  
22 (b), an individual to serve as chairperson of the advisory  
23 committee.

24 (f) DUTIES.—The duties of the advisory committee  
25 shall include—

1           (1) evaluating existing aviation consumer pro-  
2           tection programs and providing recommendations for  
3           the improvement of such programs, if needed; and

4           (2) providing recommendations to establish ad-  
5           ditional aviation consumer protection programs, if  
6           needed.

7           (g) REPORT.—Not later than February 1 of each of  
8           the first 2 calendar years beginning after the date of en-  
9           actment of this Act, the Secretary shall transmit to Con-  
10          gress a report containing—

11           (1) the recommendations made by the advisory  
12           committee during the preceding calendar year; and

13           (2) an explanation of how the Secretary has im-  
14           plemented each recommendation and, for each rec-  
15           ommendation not implemented, the Secretary's rea-  
16           son for not implementing the recommendation.

17   **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

18           (a) IN GENERAL.—Within 180 days after the date  
19           of enactment of this Act, the Secretary of Transportation  
20           shall complete a rulemaking that requires each air carrier  
21           operating in the United States under part 121 of title 49,  
22           Code of Federal Regulations, to make available to the pub-  
23           lic and to the Secretary a list of all passenger fees and  
24           charges (other than airfare) that may be imposed by the  
25           air carrier, including fees for—

1 (1) checked baggage or oversized or heavy bag-  
2 gage;

3 (2) meals, beverages, or other refreshments;

4 (3) seats in exit rows, seats with additional  
5 space, or other preferred seats in any given class of  
6 travel;

7 (4) purchasing tickets from an airline ticket  
8 agent or a travel agency; or

9 (5) any other good, service, or amenity provided  
10 by the air carrier, as required by the Secretary.

11 (b) PUBLICATION; UPDATES.—In order to ensure  
12 that the fee information required by subsection (a) is both  
13 current and widely available to the travelling public, the  
14 Secretary—

15 (1) may require an air carrier to make such in-  
16 formation on any public website maintained by an  
17 air carrier, to make such information available to  
18 travel agencies, and to notify passengers of the  
19 availability of such information when advertising air-  
20 fares; and

21 (2) shall require air carriers to update the in-  
22 formation as necessary, but no less frequently than  
23 every 90 days unless there has been no increase in  
24 the amount or type of fees shown in the most recent  
25 publication.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “may” and inserting “shall”.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “September 30, 2007.” and inserting “September 30, 2011.”.

14 Section 41737(a)(1) is amended—

17 (2) by striking “provided.” in subparagraph (C)  
18 and inserting “provided;”; and

“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

1           “(E) include provisions under which the Sec-  
 2       retary may execute long-term essential air service  
 3       contracts to encourage carriers to provide air service  
 4       to small and rural communities where it would be in  
 5       the public interest to do so.”.

6 **SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**

7       (a) IN GENERAL.—Section 41745 is amended—

8           (1) by redesignating subsections (c) through (g)  
 9       as subsections (d) through (h), respectively; and

10          (2) by inserting after subsection (b) the fol-  
 11       lowing:

12       “(c) CONVERSION OF LOST ELIGIBILITY AIR-  
 13       PORTS.—

14           “(1) IN GENERAL.—The Secretary shall estab-  
 15       lish a program to provide general aviation conversion  
 16       funding for airports serving eligible places that the  
 17       Secretary has determined no longer qualify for a  
 18       subsidy.

19           “(2) GRANTS.—A grant under this sub-  
 20       section—

21           “(A) may not exceed twice the compensa-  
 22       tion paid to provide essential air service to the  
 23       airport in the fiscal year preceding the fiscal  
 24       year in which the Secretary determines that the

1 place served by the airport is no longer an eligi-  
2 ble place; and

3 “(B) may be used—

4 “(i) for airport development (as de-  
5 fined in section 47102(3)) that will en-  
6 hance general aviation capacity at the air-  
7 port;

8 “(ii) to defray operating expenses, if  
9 such use is approved by the Secretary; or

10 “(iii) to develop innovative air service  
11 options, such as on-demand or air taxi op-  
12 erations, if such use is approved by the  
13 Secretary.

14 “(3) AIP REQUIREMENTS.—An airport sponsor  
15 that uses funds provided under this subsection for  
16 an airport development project shall comply with the  
17 requirements of subchapter I of chapter 471 applica-  
18 ble to airport development projects funded under  
19 that subchapter with respect to the project funded  
20 under this subsection.

21 “(4) LIMITATION.—The sponsor of an airport  
22 receiving funding under this subsection is not eligi-  
23 ble for funding under section 41736.”.

24 (b) CONFORMING AMENDMENT.—Section 41745(f),  
25 as redesignated, is amended—

1 (1) by striking “An eligible place” and inserting  
2 “Neither an eligible place, nor a place to which sub-  
3 section (c) applies,”; and

4 (2) by striking “not”.

5 **SEC. 415. EAS REFORM.**

6 Section 41742(a) is amended—

7 (1) by adding at the end of paragraph (1) “Any  
8 amount in excess of \$50,000,000 credited for any  
9 fiscal year to the account established under section  
10 45303(c) shall be obligated for programs under sec-  
11 tion 406 of the Vision 100—Century of Aviation Re-  
12 authorization Act (49 U.S.C. 40101 note) and sec-  
13 tion 41745 of this title. Amounts appropriated pur-  
14 suant to this section shall remain available until ex-  
15 pended.”; and

16 (2) by striking “\$77,000,000” in paragraph (2)  
17 and inserting “\$125,000,000”.

18 **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

19 (a) PRIORITIES.—Section 41743(c)(5) is amended—

20 (1) by striking “and” after the semicolon in  
21 subparagraph (D);

22 (2) by striking “fashion.” in subparagraph (E)  
23 and inserting “fashion; and”; and

24 (3) by adding at the end the following:

1           “(F) multiple communities cooperate to  
2           submit a region or multistate application to im-  
3           prove air service.”.

4           (b) EXTENSION OF AUTHORIZATION.—Section  
5 41743(e)(2) is amended by striking “2008” and inserting  
6 “2011”.

7 **SEC. 417. EAS MARKETING.**

8           The Secretary of Transportation shall require all ap-  
9           plications to provide service under subchapter II of chap-  
10          ter 417 of title 49, United States Code, include a mar-  
11          keting plan.

12 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

13          (a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY  
14          CAP.—

15               (1) IN GENERAL.—Subchapter II of chapter  
16          417 is amended by adding at the end the following:

17 **“§ 41749. Essential air service for eligible places**  
18 **above per passenger subsidy cap**

19          “(a) PROPOSALS.—A State or local government may  
20          submit a proposal to the Secretary of Transportation for  
21          compensation for an air carrier to provide air transpor-  
22          tation to a place described in subsection (b).

23          “(b) PLACE DESCRIBED.—A place described in this  
24          subsection is a place—

25               “(1) that is otherwise an eligible place; and



1           “(2) for which the per passenger subsidy ex-  
 2           ceeds the dollar amount allowable under this sub-  
 3           chapter.

4           “(c) DECISIONS.—Not later than 90 days after re-  
 5           ceiving a proposal under subsection (a) for compensation  
 6           for an air carrier to provide air transportation to a place  
 7           described in subsection (b), the Secretary shall—

8           “(1) decide whether to provide compensation  
 9           for the air carrier to provide air transportation to  
 10          the place; and

11          “(2) approve the proposal if the State or local  
 12          government or a person is willing and able to pay  
 13          the difference between—

14                  “(A) the per passenger subsidy; and

15                  “(B) the dollar amount allowable for such  
 16          subsidy under this subchapter.

17          “(d) COMPENSATION PAYMENTS.—

18          “(1) IN GENERAL.—The Secretary shall pay  
 19          compensation under this section at such time and in  
 20          such manner as the Secretary determines is appro-  
 21          priate.

22          “(2) DURATION OF PAYMENTS.—The Secretary  
 23          shall continue to pay compensation under this sec-  
 24          tion only as long as—

1           “(A) the State or local government or per-  
2           son agreeing to pay compensation under sub-  
3           section (c)(2) continues to pay such compensa-  
4           tion; and

5           “(B) the Secretary decides the compensa-  
6           tion is necessary to maintain air transportation  
7           to the place.

8           “(e) REVIEW.—

9           “(1) IN GENERAL.—The Secretary shall peri-  
10          odically review the type and level of air service pro-  
11          vided under this section.

12          “(2) CONSULTATION.—The Secretary may  
13          make appropriate adjustments in the type and level  
14          of air service to a place under this section based on  
15          the review under paragraph (1) and consultation  
16          with the affected community and the State or local  
17          government or person agreeing to pay compensation  
18          under subsection (c)(2).

19          “(f) ENDING, SUSPENDING, AND REDUCING AIR  
20          TRANSPORTATION.—An air carrier providing air transpor-  
21          tation to a place under this section may end, suspend, or  
22          reduce such air transportation if, not later than 30 days  
23          before ending, suspending, or reducing such air transpor-  
24          tation, the air carrier provides notice of the intent of the

1 air carrier to end, suspend, or reduce such air transpor-  
 2 tation to—

3 “(1) the Secretary;

4 “(2) the affected community; and

5 “(3) the State or local government or person  
 6 agreeing to pay compensation under subsection  
 7 (c)(2).”.

8 (2) CLERICAL AMENDMENT.—The table of con-  
 9 tents for chapter 417 is amended by adding after  
 10 the item relating to section 41748 the following new  
 11 item:

“41749. Essential air service for eligible places above per passenger subsidy  
 cap.”.

12 (b) PREFERRED ESSENTIAL AIR SERVICE.—

13 (1) IN GENERAL.—Subchapter II of chapter  
 14 417, as amended by subsection (a), is further  
 15 amended by adding after section 41749 the fol-  
 16 lowing:

17 **“§ 41750. Preferred essential air service**

18 “(a) PROPOSALS.—A State or local government may  
 19 submit a proposal to the Secretary of Transportation for  
 20 compensation for a preferred air carrier described in sub-  
 21 section (b) to provide air transportation to an eligible  
 22 place.

1       “(b) PREFERRED AIR CARRIER DESCRIBED.—A pre-  
2       ferred air carrier described in this subsection is an air car-  
3       rier that—

4               “(1) submits an application under section  
5       41733(c) to provide air transportation to an eligible  
6       place;

7               “(2) is not the air carrier that submits the low-  
8       est cost bid to provide air transportation to the eligi-  
9       ble place; and

10              “(3) is an air carrier that the affected commu-  
11       nity prefers to provide air transportation to the eligi-  
12       ble place instead of the air carrier that submits the  
13       lowest cost bid.

14       “(c) DECISIONS.—Not later than 90 days after re-  
15       ceiving a proposal under subsection (a) for compensation  
16       for a preferred air carrier described in subsection (b) to  
17       provide air transportation to an eligible place, the Sec-  
18       retary shall—

19              “(1) decide whether to provide compensation  
20       for the preferred air carrier to provide air transpor-  
21       tation to the eligible place; and

22              “(2) approve the proposal if the State or local  
23       government or a person is willing and able to pay  
24       the difference between—

1           “(A) the rate of compensation the Sec-  
 2           retary would provide to the air carrier that sub-  
 3           mits the lowest cost bid to provide air transpor-  
 4           tation to the eligible place; and

5           “(B) the rate of compensation the pre-  
 6           ferred air carrier estimates to be necessary to  
 7           provide air transportation to the eligible place.

8           “(d) COMPENSATION PAYMENTS.—

9           “(1) IN GENERAL.—The Secretary shall pay  
 10          compensation under this section at such time and in  
 11          such manner as the Secretary determines is appro-  
 12          priate.

13          “(2) DURATION OF PAYMENTS.—The Secretary  
 14          shall continue to pay compensation under this sec-  
 15          tion only as long as—

16               “(A) the State or local government or per-  
 17               son agreeing to pay compensation under sub-  
 18               section (c)(2) continues to pay such compensa-  
 19               tion; and

20               “(B) the Secretary decides the compensa-  
 21               tion is necessary to maintain air transportation  
 22               to the eligible place.

23          “(e) REVIEW.—

1           “(1) IN GENERAL.—The Secretary shall peri-  
2           odically review the type and level of air service pro-  
3           vided under this section.

4           “(2) CONSULTATION.—The Secretary may  
5           make appropriate adjustments in the type and level  
6           of air service to an eligible place under this section  
7           based on the review under paragraph (1) and con-  
8           sultation with the affected community and the State  
9           or local government or person agreeing to pay com-  
10          pensation under subsection (c)(2).

11          “(f) ENDING, SUSPENDING, AND REDUCING AIR  
12          TRANSPORTATION.—A preferred air carrier providing air  
13          transportation to an eligible place under this section may  
14          end, suspend, or reduce such air transportation if, not  
15          later than 30 days before ending, suspending, or reducing  
16          such air transportation, the preferred air carrier provides  
17          notice of the intent of the preferred air carrier to end,  
18          suspend, or reduce such air transportation to—

19                 “(1) the Secretary;

20                 “(2) the affected community; and

21                 “(3) the State or local government or person  
22          agreeing to pay compensation under subsection  
23          (c)(2).”.

24                 “(2) CLERICAL AMENDMENT.—The table of con-  
25          tents for chapter 417, as amended by subsection (a),

1 is further amended by adding after the item relating  
 2 to section 41749 the following new item:

“41750. Preferred essential air service.”.

3 (c) RESTORATION OF ELIGIBILITY TO A PLACE DE-  
 4 TERMINED BY THE SECRETARY TO BE INELIGIBLE FOR  
 5 SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is  
 6 amended by adding at the end the following new sub-  
 7 section:

8 “(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED  
 9 ESSENTIAL AIR SERVICE.—

10 “(1) IN GENERAL.—If the Secretary of Trans-  
 11 portation terminates the eligibility of an otherwise  
 12 eligible place to receive basic essential air service by  
 13 an air carrier for compensation under subsection (c),  
 14 a State or local government may submit to the Sec-  
 15 retary a proposal for restoring such eligibility.

16 “(2) DETERMINATION BY SECRETARY.—If the  
 17 per passenger subsidy required by the proposal sub-  
 18 mitted by a State or local government under para-  
 19 graph (1) does not exceed the per passenger subsidy  
 20 cap provided under this subchapter, the Secretary  
 21 shall issue an order restoring the eligibility of the  
 22 otherwise eligible place to receive basic essential air  
 23 service by an air carrier for compensation under  
 24 subsection (c).”.

25 (d) OFFICE OF RURAL AVIATION.—

1           (1) ESTABLISHMENT.—There is established  
 2       within the Office of the Secretary of Transportation  
 3       the Office of Rural Aviation.

4       (e) FUNCTIONS.—The functions of the Office are—

5           (1) to develop a uniform 4-year contract for air  
 6       carriers providing essential air service to commu-  
 7       nities under subchapter II of chapter 417 of title 49,  
 8       United States Code;

9           (2) to develop a mechanism for comparing ap-  
 10      plications submitted by air carriers under section  
 11      41733(c) to provide essential air service to commu-  
 12      nities, including comparing—

13           (A) estimates from air carriers on—

14           (i) the cost of providing essential air  
 15      service; and

16           (ii) the revenues air carriers expect to  
 17      receive when providing essential air service;  
 18      and

19           (B) estimated schedules for air transpor-  
 20      tation; and

21           (3) to select an air carrier from among air car-  
 22      riers applying to provide essential air service, based  
 23      on the criteria described in paragraph (2).

24       (f) EXTENSION OF AUTHORITY TO MAKE AGREE-  
 25      MENTS UNDER THE ESSENTIAL AIR SERVICE PRO-



1 GRAM.—Section 41743(e)(2) is amended by striking  
2 “2008” and inserting “2011”.

3 (g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
4 CANTLY INCREASED COSTS.—Section 41737 is amended  
5 by adding at the end thereof the following:

6 “(f) FUEL COST SUBSIDY DISREGARD.—Any amount  
7 provided as an adjustment in compensation pursuant to  
8 subsection (a)(1)(D) shall be disregarded for the purpose  
9 of determining whether the amount of compensation pro-  
10 vided under this subchapter with respect to an eligible  
11 place exceeds the per passenger subsidy exceeds the dollar  
12 amount allowable under this subchapter.”.

### 13 SUBTITLE C—MISCELLANEOUS

#### 14 SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

15 (a) IN GENERAL.—Section 47129 is amended—

16 (1) by striking the section heading and insert-  
17 ing the following:

18 “§ 47129. Resolution of airport-air carrier and foreign  
19 air carrier disputes concerning airport  
20 fees” ;

21 (2) by inserting “AND FOREIGN AIR CARRIER”  
22 after “CARRIER” in the heading for subsection (d);

23 (3) by inserting “AND FOREIGN AIR CARRIER”  
24 after “CARRIER” in the heading for subsection  
25 (d)(2);

1           (4) by striking “air carrier” each place it ap-  
 2           pears and inserting “air carrier or foreign air car-  
 3           rier”;

4           (5) by striking “air carrier’s” each place it ap-  
 5           pears and inserting “air carrier’s or foreign air car-  
 6           rier’s”;

7           (6) by striking “air carriers” and inserting “air  
 8           carriers or foreign air carriers”; and

9           (7) by striking “(as defined in section 40102 of  
 10          this title)” in subsection (a) and inserting “(as those  
 11          terms are defined in section 40102 of this title)”.

12          (b) CONFORMING AMENDMENT.—The table of con-  
 13          tents for chapter 471 is amended by striking the item re-  
 14          lating to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes con-  
 cerning airport fees.”.

15   **SEC. 432. CONTRACT TOWER PROGRAM.**

16          (a)       COST-BENEFIT       REQUIREMENT.—Section  
 17   47124(b)(1) is amended—

18               (1) by inserting “(A)” after “(1)”; and

19               (2) by adding at the end the following:

20           “(B) If the Secretary determines that a tower already  
 21   operating under this program has a benefit to cost ratio  
 22   of less than 1.0, the airport sponsor or State or local gov-  
 23   ernment having jurisdiction over the airport shall not be  
 24   required to pay the portion of the costs that exceeds the

1 benefit for a period of 18 months after such determination  
2 is made.

3 “(C) If the Secretary finds that all or part of an  
4 amount made available to carry out the program contin-  
5 ued under this paragraph is not required during a fiscal  
6 year, the Secretary may use during such fiscal year the  
7 amount not so required to carry out the program estab-  
8 lished under paragraph (3) of this section.”.

9 (b) FUNDING.—Subparagraph (E) of section  
10 47124(b)(3) is amended—

11 (1) by striking “and” after “2006,”; and

12 (2) by inserting “\$9,500,000 for fiscal year  
13 2010, and \$10,000,000 for fiscal year 2011” after  
14 “2007,”; and

15 (3) by inserting after “paragraph.” the fol-  
16 lowing: “If the Secretary finds that all or part of an  
17 amount made available under this subparagraph is  
18 not required during a fiscal year to carry out this  
19 paragraph, the Secretary may use during such fiscal  
20 year the amount not so required to carry out the  
21 program continued under subsection (b)(1) of this  
22 section.”.

23 (c) FEDERAL SHARE.—Subparagraph (C) of section  
24 47124(b)(4) is amended by striking “\$1,500,000.” and in-  
25 serting “\$2,000,000.”.

1 (d) SAFETY AUDITS.—Section 41724 is amended by  
2 adding at the end the following:

3 “(c) SAFETY AUDITS.—The Secretary shall establish  
4 uniform standards and requirements for safety assess-  
5 ments of air traffic control towers that receive funding  
6 under this section in accordance with the Administration’s  
7 safety management system.”.

8 **SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED**  
9 **FORCES.**

10 (a) FINDINGS.—The Congress finds that—

11 (1) the Armed Forces is comprised of approxi-  
12 mately 1,450,000 members who are stationed on ac-  
13 tive duty at more than 6,000 military bases in 146  
14 different countries;

15 (2) the United States is indebted to the mem-  
16 bers of the Armed Forces, many of whom are in  
17 grave danger due to their engagement in, or expo-  
18 sure to, combat;

19 (3) military service, especially in the current  
20 war against terrorism, often requires members of the  
21 Armed Forces to be separated from their families on  
22 short notice, for long periods of time, and under  
23 very stressful conditions;

24 (4) the unique demands of military service often  
25 preclude members of the Armed Forces from pur-

1 chasing discounted advance airline tickets in order  
 2 to visit their loved ones at home; and

3 (5) it is the patriotic duty of the people of the  
 4 United States to support the members of the Armed  
 5 Forces who are defending the Nation's interests  
 6 around the world at great personal sacrifice.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 8 gress that each United States air carrier should—

9 (1) establish for all members of the Armed  
 10 Forces on active duty reduced air fares that are  
 11 comparable to the lowest airfare for ticketed flights;  
 12 and

13 (2) offer flexible terms that allow members of  
 14 the Armed Forces on active duty to purchase, mod-  
 15 ify, or cancel tickets without time restrictions, fees  
 16 (including baggage fees), ancillary costs, or pen-  
 17 alties.

## 18 **TITLE V— SAFETY**

### 19 **SUBTITLE A—AVIATION SAFETY**

#### 20 **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

21 Not later than December 31, 2009, the Administrator  
 22 of the Federal Aviation Administration shall issue a plan  
 23 to develop an installation and deployment schedule for sys-  
 24 tems the Administration is installing to alert controllers  
 25 and flight crews to potential runway incursions. The plan

1 shall be integrated into the annual Federal Aviation Ad-  
2 ministration NextGen Implementation Plan.

3 **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
4 **TIFICATES.**

5 (a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec-  
6 tion 44703(d) is amended by adding at the end the fol-  
7 lowing:

8 “(3) JUDICIAL REVIEW.—A person substantially af-  
9 fected by an order of the Board under this subsection, or  
10 the Administrator when the Administrator decides that an  
11 order of the Board will have a significant adverse impact  
12 on carrying out this part, may obtain judicial review of  
13 the order under section 46110 of this title. The Adminis-  
14 trator shall be made a party to the judicial review pro-  
15 ceedings. The findings of fact of the Board in any such  
16 case are conclusive if supported by substantial evidence.”.

17 (b) CONFORMING AMENDMENT.—Section 1153(c) is  
18 amended by striking “section 44709 or” and inserting  
19 “section 44703(d), 44709, or”.

20 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
21 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
22 **TYPE CERTIFICATES.**

23 Section 44704(a) is amended by adding at the end  
24 the following:

25 “(5) RELEASE OF DATA.—

1           “(A) Notwithstanding any other provision of  
2           law, the Administrator may designate, without the  
3           consent of the owner of record, engineering data in  
4           the agency’s possession related to a type certificate  
5           or a supplemental type certificate for an aircraft, en-  
6           gine, propeller or appliance as public data, and  
7           therefore releasable, upon request, to a person seek-  
8           ing to maintain the airworthiness of such product, if  
9           the Administrator determines that—

10                   “(i) the certificate containing the requested  
11                   data has been inactive for 3 years;

12                   “(ii) the owner of record, or the owner of  
13                   record’s heir, of the type certificate or supple-  
14                   mental certificate has not been located despite  
15                   a search of due diligence by the agency; and

16                   “(iii) the designation of such data as pub-  
17                   lic data will enhance aviation safety.

18           “(B) In this section, the term ‘engineering  
19           data’ means type design drawings and specifications  
20           for the entire product or change to the product, in-  
21           cluding the original design data, and any associated  
22           supplier data for individual parts or components ap-  
23           proved as part of the particular aeronautical product  
24           certificate.”.

1 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

2 Section 44704(e) is amended—

3 (1) by striking “Beginning 7 years after the  
4 date of enactment of this subsection,” in paragraph  
5 (1) and inserting “Effective January 1, 2013,”;

6 (2) by striking “testing” in paragraph (2) and  
7 inserting “production”; and

8 (3) by striking paragraph (3) and inserting the  
9 following:

10 “(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN  
11 ORGANIZATION CERTIFICATION.—The Administrator may  
12 rely on the Design Organization for certification of compli-  
13 ance under this section.”.

14 **SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**  
15 **DATABASE SYSTEMS.**

16 (a) IN GENERAL.—Chapter 401 is amended by add-  
17 ing at the end thereof the following:

18 **“§ 40130. FAA access to criminal history records or**  
19 **databases systems**

20 “(a) ACCESS TO RECORDS OR DATABASES SYS-  
21 TEMS.—

22 “(1) Notwithstanding section 534 of title 28  
23 and the implementing regulations for such section  
24 (28 C.F.R. part 20), the Administrator of the Fed-  
25 eral Aviation Administration is authorized to access  
26 a system of documented criminal justice information



1 maintained by the Department of Justice or by a  
2 State but may do so only for the purpose of carrying  
3 out its civil and administrative responsibilities to  
4 protect the safety and security of the National Air-  
5 space System or to support the missions of the De-  
6 partment of Justice, the Department of Homeland  
7 Security, and other law enforcement agencies. The  
8 Administrator shall be subject to the same condi-  
9 tions or procedures established by the Department  
10 of Justice or State for access to such an information  
11 system by other governmental agencies with access  
12 to the system.

13 “(2) The Administrator may not use the access  
14 authorized under paragraph (1) to conduct criminal  
15 investigations.

16 “(b) DESIGNATED EMPLOYEES.—The Administrator  
17 shall, by order, designate those employees of the Adminis-  
18 tration who shall carry out the authority described in sub-  
19 section (a). Such designated employees may—

20 “(1) have access to and receive criminal history,  
21 driver, vehicle, and other law enforcement informa-  
22 tion contained in the law enforcement databases of  
23 the Department of Justice, or of any jurisdiction in  
24 a State in the same manner as a police officer em-  
25 ployed by a State or local authority of that State

1       who is certified or commissioned under the laws of  
2       that State;

3           “(2) use any radio, data link, or warning sys-  
4       tem of the Federal Government and of any jurisdic-  
5       tion in a State that provides information about  
6       wanted persons, be-on-the-lookout notices, or war-  
7       rant status or other officer safety information to  
8       which a police officer employed by a State or local  
9       authority in that State who is certified or commis-  
10      sion under the laws of that State has access and in  
11      the same manner as such police officer; or

12           “(3) receive Federal, State, or local government  
13      communications with a police officer employed by a  
14      State or local authority in that State in the same  
15      manner as a police officer employed by a State or  
16      local authority in that State who is commissioned  
17      under the laws of that State.

18      “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
19      INFORMATION DEFINED.—In this section the term ‘sys-  
20      tem of documented criminal justice information’ means  
21      any law enforcement databases, systems, or communica-  
22      tions containing information concerning identification,  
23      criminal history, arrests, convictions, arrest warrants, or  
24      wanted or missing persons, including the National Crime  
25      Information Center and its incorporated criminal history

1 databases and the National Law Enforcement Tele-  
2 communications System.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents for chapter 401 is amended by inserting after the  
5 item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems.”.

6 **SEC. 506. FLIGHT CREW FATIGUE.**

7 (a) IN GENERAL.—Within 3 months after the date  
8 of enactment of this Act the Administrator of the Federal  
9 Aviation Administration shall conclude arrangements with  
10 the National Academy of Sciences for a study of pilot fa-  
11 tigue.

12 (b) STUDY.—The study shall include consideration  
13 of—

14 (1) research on fatigue, sleep, and circadian  
15 rhythms;

16 (2) sleep and rest requirements recommended  
17 by the National Transportation Safety Board; and

18 (3) international standards.

19 (c) REPORT.—Within 18 months after initiating the  
20 study, the National Academy shall submit a report to the  
21 Administrator containing its findings and recommenda-  
22 tions, including recommendations with respect to Federal  
23 Aviation Regulations governing flight limitation and rest  
24 requirements.

1 (d) RULEMAKING.—After the Administrator receives  
 2 the National Academy’s report, the Federal Aviation Ad-  
 3 ministration shall consider the findings of the National  
 4 Academy in its rulemaking proceeding on flight time limi-  
 5 tations and rest requirements.

6 (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-  
 7 TIGUE STUDY RECOMMENDATIONS.—Within 60 days  
 8 after the date of enactment of this Act, the Administrator  
 9 of the Federal Aviation Administration shall initiate a  
 10 process to carry out the recommendations of the Civil  
 11 Aerospace Medical Institute study on flight attendant fa-  
 12 tigue.

13 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
 14 **FIXED WING EMERGENCY MEDICAL SERVICE**  
 15 **OPERATORS AND PATIENTS.**

16 (a) COMPLIANCE REGULATIONS.—

17 (1) IN GENERAL.—Except as provided in para-  
 18 graph (2), not later than 18 months after the date  
 19 of enactment of this Act, helicopter and fixed wing  
 20 aircraft certificate holders providing emergency med-  
 21 ical services shall comply with part 135 of title 14,  
 22 Code of Federal Regulations, if there is a medical  
 23 crew on board, without regard to whether there are  
 24 patients on board.

1           (2) EXCEPTION.—If a certificate holder de-  
2       scribed in paragraph (1) is operating under instru-  
3       ment flight rules or is carrying out training there-  
4       for—

5           (A) the weather minimums and duty and  
6       rest time regulations under such part 135 of  
7       such title shall apply; and

8           (B) the weather reporting requirement at  
9       the destination shall not apply until such time  
10      as the Administrator of the Federal Aviation  
11      Administration determines that portable, reli-  
12      able, and accurate ground-based weather meas-  
13      uring and reporting systems are available.

14      (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION  
15      PROGRAM.—

16           (1) INITIATION.—Not later than 60 days after  
17      the date of enactment of this Act, the Administrator  
18      of the Federal Aviation Administration shall initiate  
19      a rulemaking—

20           (A) to create a standardized checklist of  
21      risk evaluation factors based on Notice  
22      8000.301, which was issued by the Administra-  
23      tion on August 1, 2005; and

24           (B) to require helicopter and fixed wing  
25      aircraft emergency medical service operators to

1 use the checklist created under subparagraph  
2 (A) to determine whether a mission should be  
3 accepted.

4 (2) COMPLETION.—The rulemaking initiated  
5 under paragraph (1) shall be completed not later  
6 than 18 months after it is initiated.

7 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-  
8 PATCH PROCEDURES.—

9 (1) INITIATION.—Not later than 60 days after  
10 the date of enactment of this Act, the Administrator  
11 of the Federal Aviation Administration shall initiate  
12 a rulemaking—

13 (A) to require that helicopter and fixed  
14 wing emergency medical service operators for-  
15 malize and implement performance based flight  
16 dispatch and flight-following procedures; and

17 (B) to develop a method to assess and en-  
18 sure that such operators comply with the re-  
19 quirements described in subparagraph (A).

20 (2) COMPLETION.—The rulemaking initiated  
21 under paragraph (1) shall be completed not later  
22 than 18 months after it is initiated.

23 (d) IMPROVING SITUATIONAL AWARENESS.—Within  
24 1 year after the date of enactment of this Act, any heli-  
25 copter or fixed-wing aircraft used for emergency medical

1 service shall have on board a device that performs the  
2 function of a terrain awareness and warning system and  
3 a means of displaying that information that meets the re-  
4 quirements of the applicable Federal Aviation Administra-  
5 tion Technical Standard Order or other guidance pre-  
6 scribed by the Administrator.

7 (e) IMPROVING THE DATA AVAILABLE ON AIR MED-  
8 ICAL OPERATIONS.—

9 (1) IN GENERAL.—The Administrator of the  
10 Federal Aviation Administration shall require each  
11 certificate holder for helicopters and fixed-wing air-  
12 craft used for emergency medical service operations  
13 to report not later than 1 year after the date of en-  
14 actment of this Act and annually thereafter on—

15 (A) the number of aircraft and helicopters  
16 used to provide air ambulance services, the reg-  
17 istration number of each of these aircraft or  
18 helicopters, and the base location of each of  
19 these aircraft or helicopters;

20 (B) the number of flights and hours flown  
21 by each such aircraft or helicopter used by the  
22 certificate holder to provide such services dur-  
23 ing the reporting period; and

24 (C) the number of flights and the purpose  
25 of each flight for each aircraft or helicopter

1           used by the certificate holder to provide such  
2           services during the reporting period.

3           (2) REPORT TO CONGRESS.—The Adminis-  
4           trator of the Federal Aviation Administration shall  
5           report to Congress on the information received pur-  
6           suant to paragraph (1) of this subsection no later  
7           than 18 months after the date of enactment of this  
8           Act.

9           (f) IMPROVING THE DATA AVAILABLE TO NTSB IN-  
10          VESTIGATORS AT CRASH SITES.—

11           (1) STUDY.—Not later than 120 days after the  
12           date of enactment of this Act, the Administrator of  
13           the Federal Aviation Administration shall issue a re-  
14           port that indicates the availability, survivability, size,  
15           weight, and cost of devices that perform the function  
16           of recording voice communications and flight data  
17           information on existing and new helicopters and ex-  
18           isting and new fixed wing aircraft used for emer-  
19           gency medical service operations.

20           (2) RULEMAKING.—Not later than 1 year after  
21           the date of enactment of this Act, the Administrator  
22           of the Federal Aviation Administration shall issue  
23           regulations that require devices that perform the  
24           function of recording voice communications and



1 flight data information on board aircraft described  
2 in paragraph (1).

3 **SEC. 508. CABIN CREW COMMUNICATION.**

4 (a) IN GENERAL.—Section 44728 is amended—

5 (1) by redesignating subsection (f) as sub-  
6 section (g); and

7 (2) by inserting after subsection (e) the fol-  
8 lowing:

9 “(f) MINIMUM LANGUAGE SKILLS.—

10 “(1) IN GENERAL.—No certificate holder may  
11 use any person to serve, nor may any person serve,  
12 as a flight attendant under this part, unless that  
13 person has demonstrated to an individual qualified  
14 to determine proficiency the ability to read, speak,  
15 and write English well enough to—

16 “(A) read material written in English and  
17 comprehend the information;

18 “(B) speak and understand English suffi-  
19 ciently to provide direction to, and understand  
20 and answer questions from, English-speaking  
21 individuals;

22 “(C) write incident reports and statements  
23 and log entries and statements; and

1           “(D) carry out written and oral instruc-  
2           tions regarding the proper performance of their  
3           duties.

4           “(2) FOREIGN FLIGHTS.—The requirements of  
5           paragraph (1) do not apply to service as a flight at-  
6           tendant serving solely between points outside the  
7           United States.”.

8           (b) ADMINISTRATION.—The Administrator of the  
9           Federal Aviation Administration shall work with certifi-  
10          cate holders to which section 44728(f) of title 49, United  
11          States Code, applies to facilitate compliance with the re-  
12          quirements of section 44728(f)(1) of that title.

13       **SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-**  
14               **STANDING WITH OSHA.**

15          (a) IN GENERAL.—Within 6 months after the date  
16          of enactment of this Act, the Administrator of the Federal  
17          Aviation Administration shall—

18               (1) establish milestones, in consultation with  
19               the Occupational Safety and Health Administration,  
20               through a report to Congress for the completion of  
21               work begun under the August 2000 memorandum of  
22               understanding between the 2 Administrations and to  
23               address issues needing further action in the Admin-  
24               istrations’ joint report in December 2000; and

1           (2) initiate development of a policy statement to  
2       set forth the circumstances in which Occupational  
3       Safety and Health Administration requirements may  
4       be applied to crewmembers while working in the air-  
5       craft.

6       (b) POLICY STATEMENT.—The policy statement to be  
7       developed under subsection (a)(2) shall be completed with-  
8       in 18 months after the date of enactment of this Act and  
9       shall satisfy the following principles:

10           (1) The establishment of a coordinating body  
11       similar to the Aviation Safety and Health Joint  
12       Team established by the August 2000 memorandum  
13       of understanding that includes representatives des-  
14       ignated by both Administrations—

15           (A) to examine the applicability of current  
16       and future Occupational Safety and Health Ad-  
17       ministration regulations;

18           (B) to recommend policies for facilitating  
19       the training of Federal Aviation Administration  
20       inspectors; and

21           (C) to make recommendations that will  
22       govern the inspection and enforcement of safety  
23       and health standards on board aircraft in oper-  
24       ation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

**SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.**

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

1 (b) DOT INSPECTOR GENERAL REVIEW OF OPER-  
2 ATIONAL AND APPROACH PROCEDURES BY A THIRD  
3 PARTY.—

4 (1) REVIEW.—The Inspector General of the De-  
5 partment of Transportation shall conduct a review  
6 regarding the effectiveness of the oversight activities  
7 conducted by the Administration in connection with  
8 any agreement with or delegation of authority to a  
9 third party for the development of flight procedures,  
10 including public use procedures, for the National  
11 Airspace System.

12 (2) ASSESSMENTS.—The Inspector General  
13 shall include, at a minimum, in the review—

14 (A) an assessment of the extent to which  
15 the Administration is relying or intends to rely  
16 on a third party for the development of new  
17 procedures and a determination of whether the  
18 Administration has established sufficient mech-  
19 anisms and staffing to provide safety oversight  
20 functions, which may include quality assurance  
21 processes, flight checks, integration of proce-  
22 dures into the National Aviation System, and  
23 operational assessments of procedures developed  
24 by third parties; and

1 (B) an assessment regarding whether the  
2 Administration has sufficient existing personnel  
3 and technical resources or mechanisms to de-  
4 velop such flight procedures in a safe and effi-  
5 cient manner to meet the demands of the Na-  
6 tional Airspace System without the use of third  
7 party resources.

8 (c) REPORT.—No later than 1 year after the date of  
9 enactment of this Act, the Inspector General shall submit  
10 to the Senate Committee on Commerce, Science, and  
11 Transportation and the House of Representatives Com-  
12 mittee on Transportation and Infrastructure a report on  
13 the results of the review conducted under this section.

14 **SEC. 511. IMPROVED SAFETY INFORMATION.**

15 Not later than December 31, 2009, the Administrator  
16 of the Federal Aviation Administration shall issue a final  
17 rule in docket No. FAA–2008–0188, Re-registration and  
18 Renewal of Aircraft Registration. The final rule shall in-  
19 clude—

20 (1) provision for the expiration of a certificate  
21 for an aircraft registered as of the date of enactment  
22 of this Act, with re-registration requirements for  
23 those aircraft that remain eligible for registration;

1           (2) provision for the periodic expiration of all  
2           certificates issued after the effective date of the rule  
3           with a registration renewal process; and

4           (3) other measures to promote the accuracy and  
5           efficient operation and value of the Administration's  
6           aircraft registry.

7   **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**  
8                   **IMPROVEMENTS.**

9           (a) IN GENERAL.—Within 180 days after the date  
10          of enactment of this Act, the Administrator of the Federal  
11          Aviation Administration shall—

12           (1) take such action as may be necessary to en-  
13           sure that the Voluntary Disclosure Reporting Proc-  
14           ess requires inspectors—

15           (A) to evaluate corrective action proposed  
16           by an air carrier with respect to a matter dis-  
17           closed by that air carrier is sufficiently com-  
18           prehensive in scope and application and applies  
19           to all affected aircraft operated by that air car-  
20           rier before accepting the proposed voluntary  
21           disclosure;

22           (B) to verify that corrective action so iden-  
23           tified by an air carrier is completed within the  
24           timeframe proposed; and

1 (C) to verify by inspection that the car-  
2 rier's corrective action adequately corrects the  
3 problem that was disclosed; and

4 (2) establish a second level supervisory review  
5 of disclosures under the Voluntary Disclosure Re-  
6 porting Process before any proposed disclosure is ac-  
7 cepted and closed that will ensure that a matter dis-  
8 closed by an air carrier—

9 (A) has not been previously identified by a  
10 Federal Aviation Administration inspector; and

11 (B) has not been previously disclosed by  
12 the carrier in the preceding 5 years.

13 (b) GAO STUDY.—

14 (1) IN GENERAL.—The Comptroller General  
15 shall conduct a study of the Voluntary Disclosure  
16 Reporting Program.

17 (2) REVIEW.—In conducting the study, the  
18 Comptroller General shall examine, at a minimum,  
19 whether—

20 (A) there is evidence that voluntary disclo-  
21 sure is resulting in regulated entities discov-  
22 ering and correcting violations to a greater ex-  
23 tent than would otherwise occur if there was no  
24 program for immunity from enforcement action;



1           (B) the voluntary disclosure program  
2 makes the Federal Aviation Administration  
3 aware of violations that it would not have dis-  
4 covered if there was not a program, and if a  
5 violation is disclosed voluntarily, whether the  
6 Administration insists on stronger corrective ac-  
7 tions than would have occurred if the regulated  
8 entity knew of a violation, but the Administra-  
9 tion did not;

10          (C) the information the Administration  
11 gets under the program leads to fewer viola-  
12 tions by other entities, either because the infor-  
13 mation leads other entities to look for similar  
14 violations or because the information leads Ad-  
15 ministration investigators to look for similar  
16 violations at other entities; and

17          (D) there is any evidence that voluntary  
18 disclosure has improved compliance with regula-  
19 tions, either for the entities making disclosures  
20 or for the industry generally.

21          (3) REPORT.—Not later than one year after the  
22 date of enactment of this Act, the Comptroller Gen-  
23 eral shall submit a report to the Senate Committee  
24 on Commerce, Science, and Transportation and the  
25 House of Representatives Committee on Transpor-

1       tation and Infrastructure on the results of the study  
2       conducted under this subsection.

3   **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPEC-**  
4                   **TIONS.**

5       (a) IN GENERAL.—Section 44711 is amended by  
6   adding at the end the following:

7       “(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT  
8   STANDARDS INSPECTORS.—

9               “(1) PROHIBITION.—A person holding an oper-  
10   ating certificate issued under title 14, Code of Fed-  
11   eral Regulations, may not knowingly employ, or  
12   make a contractual arrangement which permits, an  
13   individual to act as an agent or representative of the  
14   certificate holder in any matter before the Federal  
15   Aviation Administration if the individual, in the pre-  
16   ceding 3-year period—

17               “(A) served as, or was responsible for over-  
18   sight of, a flight standards inspector of the Ad-  
19   ministration; and

20               “(B) had responsibility to inspect, or over-  
21   see inspection of, the operations of the certifi-  
22   cate holder.

23       “(2) WRITTEN AND ORAL COMMUNICATIONS.—  
24   For purposes of paragraph (1), an individual shall  
25   be considered to be acting as an agent or representa-

1        tive of a certificate holder in a matter before the  
2        Federal Aviation Administration if the individual  
3        makes any written or oral communication on behalf  
4        of the certificate holder to the Administration (or  
5        any of its officers or employees) in connection with  
6        a particular matter, whether or not involving a spe-  
7        cific party and without regard to whether the indi-  
8        vidual has participated in, or had responsibility for,  
9        the particular matter while serving as a flight stand-  
10       ards inspector of the Administration.”.

11       (b) APPLICABILITY.—The amendment made by sub-  
12       section (a) shall not apply to an individual employed by  
13       a certificate holder as of the date of enactment of this  
14       Act.

15       **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

16       Within 30 days after the date of enactment of this  
17       Act, the Comptroller General shall initiate a review and  
18       investigation of air safety issues identified by Federal  
19       Aviation Administration employees and reported to the  
20       Administrator. The Comptroller General shall report the  
21       Government Accountability Office’s findings and rec-  
22       ommendations to the Administrator, the Senate Com-  
23       mittee on Commerce, Science, and Transportation, and  
24       the House of Representatives Committee on Transpor-  
25       tation and Infrastructure on an annual basis.

1   **SEC. 515. NATIONAL REVIEW TEAM.**

2           (a) IN GENERAL.—Within 180 days after the date  
3 of enactment of this Act, the Administrator of the Federal  
4 Aviation Administration shall establish a national review  
5 team within the Administration to conduct periodic, ran-  
6 dom reviews of the Administration’s oversight of air car-  
7 riers and report annually its findings and recommenda-  
8 tions to the Administrator, the Senate Commerce, Science,  
9 and Transportation Committee, and the House of Rep-  
10 resentatives Committee on Transportation and Infrastruc-  
11 ture.

12          (b) INSPECTOR GENERAL REPORTS.—The Inspector  
13 General of the Department of Transportation shall provide  
14 progress reports to the Senate Committee on Commerce,  
15 Science, and Transportation and the House of Represent-  
16 atives Committee on Transportation and Infrastructure on  
17 the review teams and their effectiveness.

18          (c) ADDITIONAL SAFETY INSPECTORS.—From  
19 amounts appropriated pursuant to section 106(k)(1) of  
20 title 49, United States Code, the Administrator of the  
21 Federal Aviation Administration may hire a net increase  
22 of 200 additional safety inspectors.

23   **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

24          (a) REVIEW.—Within 1 year after the date of enact-  
25 ment of this Act, the Administrator of the Federal Avia-

1 tion Administration shall conduct a comprehensive review  
 2 and evaluation of its Academy and facility training efforts.

3 (b) FACILITY TRAINING PROGRAM.—The Adminis-  
 4 trator shall—

5 (1) clarify responsibility for oversight and direc-  
 6 tion of the Academy’s facility training program at  
 7 the national level;

8 (2) communicate information concerning that  
 9 responsibility to facility managers; and

10 (3) establish standards to identify the number  
 11 of developmental controllers that can be accommo-  
 12 dated at each facility, based on—

13 (A) the number of available on-the-job-  
 14 training instructors;

15 (B) available classroom space;

16 (C) the number of available simulators;

17 (D) training requirements; and

18 (E) the number of recently placed new per-  
 19 sonnel already in training.

20 **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**  
 21 **ATIONAL ERRORS.**

22 (a) PLAN.—The Administrator of the Federal Avia-  
 23 tion Administration shall develop a plan for the reduction  
 24 of runway incursions by reviewing every commercial serv-  
 25 ice airport (as defined in section 47102 of title 49, United

1 States Code) in the United States and initiating action  
2 to improve airport lighting, provide better signage, and  
3 improve runway and taxiway markings.

4 (b) PROCESS.—Within 1 year after the date of enact-  
5 ment of this Act, the Administrator of the Federal Avia-  
6 tion Administration shall develop a process for tracking  
7 and investigating operational errors and runway incur-  
8 sions that includes—

9 (1) identifying the office responsible for estab-  
10 lishing regulations regarding operational errors and  
11 runway incursions;

12 (2) identifying who is responsible for tracking  
13 and investigating operational errors and runway in-  
14 cursions and taking remedial actions;

15 (3) identifying who is responsible for tracking  
16 operational errors and runway incursions, including  
17 a process for lower level employees to report to high-  
18 er supervisory levels; and

19 (4) periodic random audits of the oversight  
20 process.

21 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**  
22 **TION OFFICE.**

23 Section 106 is amended by adding at the end the fol-  
24 lowing:

1       “(s) AVIATION SAFETY WHISTLEBLOWER INVES-  
2 TIGATION OFFICE.—

3               “(1) ESTABLISHMENT.—There is established in  
4 the Administration an Aviation Safety Whistleblower  
5 Investigation Office.

6               “(2) DIRECTOR.—

7                       “(A) APPOINTMENT.—The head of the Of-  
8 fice shall be the Director, who shall be ap-  
9 pointed by the Secretary of Transportation.

10                      “(B) QUALIFICATIONS.—The Director  
11 shall have a demonstrated ability in investiga-  
12 tions and knowledge of or experience in avia-  
13 tion.

14                      “(C) TERM.—The Director shall be ap-  
15 pointed for a term of 5 years.

16                      “(D) VACANCY.—Any individual appointed  
17 to fill a vacancy in the position of the Director  
18 occurring before the expiration of the term for  
19 which the individual’s predecessor was ap-  
20 pointed shall be appointed for the remainder of  
21 that term.

22               “(3) COMPLAINTS AND INVESTIGATIONS.—

23                      “(A) AUTHORITY OF DIRECTOR.—The Di-  
24 rector shall—

1 “(i) receive complaints and informa-  
2 tion submitted by employees of persons  
3 holding certificates issued under title 14,  
4 Code of Federal Regulations, and employ-  
5 ees of the Administration concerning the  
6 possible existence of an activity relating to  
7 a violation of an order, regulation, or  
8 standard of the Administration or any  
9 other provision of Federal law relating to  
10 aviation safety;

11 “(ii) assess complaints and informa-  
12 tion submitted under clause (i) and deter-  
13 mine whether a substantial likelihood ex-  
14 ists that a violation of an order, regulation,  
15 or standard of the Administration or any  
16 other provision of Federal law relating to  
17 aviation safety may have occurred; and

18 “(iii) based on findings of the assess-  
19 ment conducted under clause (ii), make  
20 recommendations to the Administrator in  
21 writing for further investigation or correc-  
22 tive actions.

23 “(B) DISCLOSURE OF IDENTITIES.—The  
24 Director shall not disclose the identity of an in-



1           dividual who submits a complaint or informa-  
2           tion under subparagraph (A)(i) unless—

3                   “(i) the individual consents to the dis-  
4                   closure in writing; or

5                   “(ii) the Director determines, in the  
6                   course of an investigation, that the disclo-  
7                   sure is unavoidable.

8                   “(C) INDEPENDENCE OF DIRECTOR.—The  
9                   Secretary, the Administrator, or any officer or  
10                  employee of the Administration may not pre-  
11                  vent or prohibit the Director from initiating,  
12                  carrying out, or completing any assessment of  
13                  a complaint or information submitted subpara-  
14                  graph (A)(i) or from reporting to Congress on  
15                  any such assessment.

16                  “(D) ACCESS TO INFORMATION.—In con-  
17                  ducting an assessment of a complaint or infor-  
18                  mation submitted under subparagraph (A)(i),  
19                  the Director shall have access to all records, re-  
20                  ports, audits, reviews, documents, papers, rec-  
21                  ommendations, and other material necessary to  
22                  determine whether a substantial likelihood ex-  
23                  ists that a violation of an order, regulation, or  
24                  standard of the Administration or any other

1 provision of Federal law relating to aviation  
2 safety may have occurred.

3 “(4) RESPONSES TO RECOMMENDA-  
4 TIONS.—The Administrator shall respond to a  
5 recommendation made by the Director under  
6 subparagraph (A)(iii) in writing and retain  
7 records related to any further investigations or  
8 corrective actions taken in response to the rec-  
9 ommendation.

10 “(5) INCIDENT REPORTS.—If the Director de-  
11 termines there is a substantial likelihood that a vio-  
12 lation of an order, regulation, or standard of the Ad-  
13 ministration or any other provision of Federal law  
14 relating to aviation safety may have occurred that  
15 requires immediate corrective action, the Director  
16 shall report the potential violation expeditiously to  
17 the Administrator and the Inspector General of the  
18 Department of Transportation.

19 “(6) REPORTING OF CRIMINAL VIOLATIONS TO  
20 INSPECTOR GENERAL.—If the Director has reason-  
21 able grounds to believe that there has been a viola-  
22 tion of Federal criminal law, the Director shall re-  
23 port the violation expeditiously to the Inspector Gen-  
24 eral.

1           “(7) ANNUAL REPORTS TO CONGRESS.—Not  
 2       later than October 1 of each year, the Director shall  
 3       submit to Congress a report containing—

4           “(A) information on the number of submis-  
 5       sions of complaints and information received by  
 6       the Director under paragraph (3)(A)(i) in the  
 7       preceding 12-month period;

8           “(B) summaries of those submissions;

9           “(C) summaries of further investigations  
 10      and corrective actions recommended in response  
 11      to the submissions; and

12          “(D) summaries of the responses of the  
 13      Administrator to such recommendations.”.

14 **SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-**  
 15 **TIVE.**

16       (a) MODIFICATION OF INITIATIVE.—Not later than  
 17   90 days after the date of enactment of this Act, the Ad-  
 18   ministrators of the Federal Aviation Administration shall  
 19   modify the customer service initiative, mission and vision  
 20   statements, and other statements of policy of the Adminis-  
 21   tration—

22           (1) to remove any reference to air carriers or  
 23       other entities regulated by the Administration as  
 24       “customers”;

1           (2) to clarify that in regulating safety the only  
2           customers of the Administration are members of the  
3           traveling public; and

4           (3) to clarify that air carriers and other entities  
5           regulated by the Administration do not have the  
6           right to select the employees of the Administration  
7           who will inspect their operations.

8           (b) SAFETY PRIORITY.—In carrying out the Adminis-  
9           trator’s responsibilities, the Administrator shall ensure  
10          that safety is given a higher priority than preventing the  
11          dissatisfaction of an air carrier or other entity regulated  
12          by the Administration with an employee of the Adminis-  
13          tration.

14   **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
15                           **TATION OVERSIGHT SYSTEM DATABASE.**

16          (a) REVIEWS.—The Administrator of the Federal  
17          Aviation Administration shall establish a process by which  
18          the air transportation oversight system database of the  
19          Administration is reviewed by a team of employees of the  
20          Agency on a monthly basis to ensure that—

21               (1) any trends in regulatory compliance are  
22               identified; and

23               (2) appropriate corrective actions are taken in  
24               accordance with Agency regulations, advisory direc-  
25               tives, policies, and procedures.

1 (b) MONTHLY TEAM REPORTS.—

2 (1) IN GENERAL.—The team of employees con-  
3 ducting a monthly review of the air transportation  
4 oversight system database under subsection (a) shall  
5 submit to the Administrator, the Associate Adminis-  
6 trator for Aviation Safety, and the Director of  
7 Flight Standards a report on the results of the re-  
8 view.

9 (2) CONTENTS.—A report submitted under  
10 paragraph (1) shall identify—

11 (A) any trends in regulatory compliance  
12 discovered by the team of employees in con-  
13 ducting the monthly review; and

14 (B) any corrective actions taken or pro-  
15 posed to be taken in response to the trends.

16 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-  
17 ministrator, on a quarterly basis, shall submit a report  
18 to the Senate Committee on Commerce, Science, and  
19 Transportation and the House of Representatives Com-  
20 mittee on Transportation and Infrastructure on the re-  
21 sults of reviews of the air transportation oversight system  
22 database conducted under this section, including copies of  
23 reports received under subsection (b).

1 **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.**

2 (a) IN GENERAL.—Chapter 447 is amended by add-  
3 ing at the end the following:

4 **“§ 44730. Inspection of foreign repair stations**

5 “(a) IN GENERAL.—Within 1 year after the date of  
6 enactment of the FAA Air Transportation Modernization  
7 and Safety Improvement Act the Administrator of the  
8 Federal Aviation Administration shall establish and imple-  
9 ment a safety assessment system for all part 145 repair  
10 stations based on the type, scope, and complexity of work  
11 being performed. The system shall—

12 “(1) ensure that repair stations outside the  
13 United States are subject to appropriate inspections  
14 based on identified risk and consistent with existing  
15 United States requirements;

16 “(2) consider inspection results and findings  
17 submitted by foreign civil aviation authorities oper-  
18 ating under a maintenance safety or maintenance  
19 implementation agreement with the United States in  
20 meeting the requirements of the safety assessment  
21 system; and

22 “(3) require all maintenance safety or mainte-  
23 nance implementation agreements to provide an op-  
24 portunity for the Federal Aviation Administration to  
25 conduct independent inspections of covered part 145

1        repair stations when safety concerns warrant such  
2        inspections.

3        “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The  
4 Administrator shall notify the Senate Committee on Com-  
5 merce, Science, and Transportation and the House of Rep-  
6 resentatives Committee on Transportation and Infrastruc-  
7 ture within 30 days after initiating formal negotiations  
8 with foreign aviation authorities or other appropriate for-  
9 eign government agencies on a new maintenance safety or  
10 maintenance implementation agreement.

11       “(c) ANNUAL REPORT.—The Administrator shall  
12 publish an annual report on the Federal Aviation Adminis-  
13 tration’s oversight of part 145 repair stations and imple-  
14 mentation of the safety assessment system required by  
15 subsection (a). The report shall—

16                “(1) describe in detail any improvements in the  
17 Federal Aviation Administration’s ability to identify  
18 and track where part 121 air carrier repair work is  
19 performed;

20                “(2) include a staffing model to determine the  
21 best placement of inspectors and the number of in-  
22 spectors needed;

23                “(3) describe the training provided to inspec-  
24 tors; and

1           “(4) include an assessment of the quality of  
2           monitoring and surveillance by the Federal Aviation  
3           Administration of work provided by its inspectors  
4           and the inspectors of foreign authorities operating  
5           under a maintenance safety or implementation  
6           agreement.

7           “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-  
8           ING PROGRAM REQUIREMENTS.—

9           “(1) IN GENERAL.—The Secretaries of State  
10          and Transportation jointly shall request the govern-  
11          ments of foreign countries that are members of the  
12          International Civil Aviation Organization to establish  
13          international standards for alcohol and controlled  
14          substances testing of persons that perform safety  
15          sensitive maintenance functions upon commercial air  
16          carrier aircraft.

17          “(2) APPLICATION TO PART 121 AIRCRAFT  
18          WORK.—Within 1 year after the date of enactment  
19          of the FAA Air Transportation Modernization and  
20          Safety Improvement Act the Administrator shall  
21          promulgate a proposed rule requiring that all part  
22          145 repair station employees responsible for safety-  
23          sensitive functions on part 121 air carrier aircraft  
24          are subject to an alcohol and controlled substance  
25          testing program determined acceptable by the Ad-



1       ministrator and consistent with the applicable laws  
2       of the country in which the repair station is located.

3       “(e) BIENNIAL INSPECTIONS.—The Administrator  
4 shall require part 145 repair stations to be inspected twice  
5 each year by Federal Aviation Administration safety in-  
6 spectors, regardless of where the station is located, in a  
7 manner consistent with United States obligations under  
8 international agreements.

9       “(f) DEFINITIONS.—In this section:

10           “(1) PART 121 AIR CARRIER.—The term ‘part  
11 121 air carrier’ means an air carrier that holds a  
12 certificate issued under part 121 of title 14, Code of  
13 Federal Regulations.

14           “(2) PART 145 REPAIR STATION.—The term  
15 ‘part 145 repair station’ means a repair station that  
16 holds a certificate issued under part 145 of title 14,  
17 Code of Federal Regulations.”.

18       (b) CONFORMING AMENDMENT.—The table of con-  
19 tents for chapter 447 is amended by adding at the end  
20 thereof the following:

“44730. Inspection of foreign repair stations.”.

21 **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

22       (a) REGULATIONS.—Not later than 3 years after the  
23 date of enactment of this Act, the Administrator of the  
24 Federal Aviation Administration shall issue regulations re-  
25 quiring that all covered maintenance work on aircraft used

1 to provide air transportation under part 121 of title 14,  
2 Code of Federal Regulations, be performed by individuals  
3 in accordance with subsection (b).

4 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN  
5 WORK.—No individual may perform covered maintenance  
6 work on aircraft used to provide air transportation under  
7 part 121 of title 14, Code of Federal Regulations unless  
8 that individual is employed by—

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station;

11 (3) a person that provides contract maintenance  
12 workers or services to a part 145 repair station or  
13 part 121 air carrier, and the individual—

14 (A) meets the requirements of the part  
15 121 air carrier or the part 145 repair station;

16 or

17 (B)(i) performs the work under the direct  
18 supervision and control of the part 121 air car-  
19 rier or the part 145 repair station directly in  
20 charge of the maintenance services; and

21 (ii) carries out the work in accordance with  
22 the part 121 air carrier's maintenance manual;  
23 or

24 (4) by the holder of a type certificate, produc-  
25 tion certificate, or other production approval issued

1 under part 21 of title 14, Code of Federal Regula-  
 2 tions, and the holder of such certificate or ap-  
 3 proval—

4 (A) originally produced, and continues to  
 5 produce, the article upon which the work is to  
 6 be performed; and

7 (B) is acting in conjunction with a part  
 8 121 air carrier or a part 145 repair station.

9 (d) DEFINITIONS.—In this section:

10 (1) COVERED MAINTENANCE WORK.—The term  
 11 “covered maintenance work” means maintenance  
 12 work that is essential maintenance, regularly sched-  
 13 uled maintenance, or a required inspection item, as  
 14 determined by the Administrator.

15 (2) PART 121 AIR CARRIER.—The term “part  
 16 121 air carrier” has the meaning given that term in  
 17 section 44730(f)(1) of title 49, United States Code.

18 (3) PART 145 REPAIR STATION.—The term  
 19 “part 145 repair station” has the meaning given  
 20 that term in section 44730(f)(2) of title 49, United  
 21 States Code.

## 22 **SUBTITLE B—FLIGHT SAFETY**

### 23 **SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.**

24 (a) IN GENERAL.—Section 44703(h) is amended to  
 25 read as follows:

1       “(h) RECORDS OF EMPLOYMENT, TRAINING, AND  
2 TESTING.—

3               “(1) IN GENERAL.—The Administrator of the  
4 Federal Aviation Administration shall establish and  
5 maintain a pilot employment, training, and testing  
6 database and shall publish notice in the Federal  
7 Register when the database is operational. The data-  
8 base shall include the following information:

9               “(A) FAA RECORDS.—From the Federal  
10 Aviation Administration, records pertaining to  
11 the individual that are maintained by the Ad-  
12 ministration concerning—

13               “(i) current airman certificates (in-  
14 cluding airman medical certificates) and  
15 associated type ratings, including any limi-  
16 tations to those certificates and ratings;

17               “(ii) any failed attempt of the indi-  
18 vidual to pass a practical test required to  
19 obtain a certificate or type rating under  
20 part 61 of title 14, Code of Federal Regu-  
21 lations; and

22               “(iii) summaries of legal enforcement  
23 actions resulting in a finding by the Ad-  
24 ministrator of a violation of this title or a  
25 regulation prescribed or order issued under

1           this title that was not subsequently over-  
2           turned.

3           “(B)     AIR     CARRIER     AND     OTHER  
4     RECORDS.—From any air carrier or other per-  
5     son (except a branch of the United States  
6     Armed Forces, the National Guard, or a reserve  
7     component of the United States Armed Forces)  
8     that has employed the individual as a pilot of  
9     a civil or public aircraft, or from the trustee in  
10    bankruptcy for such air carrier or person—

11           “(i) records pertaining to the indi-  
12          vidual that are maintained by an air car-  
13          rier (other than records relating to flight  
14          time, duty time, or rest time) under regu-  
15          lations set forth in—

16                   “(I) section 121.683 of title 14,  
17                   Code of Federal Regulations;

18                   “(II) paragraph (A) of section  
19                   VI, appendix I, part 121 of such title;

20                   “(III) paragraph (A) of section  
21                   IV, appendix J, part 121 of such title;

22                   “(IV) section 125.401 of such  
23                   title; and

24                   “(V) section 135.63(a)(4) of such  
25                   title; and

1 “(ii) other records pertaining to the  
2 individual’s performance as a pilot that are  
3 maintained by the air carrier or person  
4 concerning—

5 “(I) the training, qualifications,  
6 proficiency, or professional com-  
7 petence of the individual, including  
8 comments and evaluations made by a  
9 check airman designated in accord-  
10 ance with section 121.411, 125.295,  
11 or 135.337 of such title;

12 “(II) any disciplinary action  
13 taken with respect to the individual  
14 that was not subsequently overturned;  
15 and

16 “(III) any release from employ-  
17 ment or resignation, termination, or  
18 disqualification with respect to em-  
19 ployment.

20 “(C) NATIONAL DRIVER REGISTER  
21 RECORDS.—In accordance with section  
22 30305(b)(8), from the chief driver licensing of-  
23 ficial of a State, information concerning the  
24 motor vehicle driving record of the individual.

1           “(2) RECORDS OF CURRENT EMPLOYEES.—

2           Each air carrier shall submit to the Administrator,  
3           for inclusion in the database established under para-  
4           graph (1)—

5                   “(A) not later than 180 days after the date  
6                   on which notice of the establishment of the  
7                   database is published, the records described in  
8                   paragraph (1)(B) concerning any pilot em-  
9                   ployed by the air carrier; and

10                   “(B) after such date, not later than 30  
11                   days after the generation of any new records  
12                   described in paragraph (1)(B), such new  
13                   records.

14           “(3) RIGHT OF PILOT TO REVIEW.—Notwith-  
15           standing any other provision of law or agreement,  
16           the Administrator, upon written request from a  
17           pilot, shall make available to the pilot for review and  
18           correction, within a reasonable time, but not later  
19           than 30 days after the date of the request, a copy  
20           of all records referred to in paragraph (1) pertaining  
21           to the pilot.

22           “(4) RIGHT TO RECEIVE NOTICE AND COPY OF  
23           ANY RECORD FURNISHED.—A person who receives a  
24           request for records described in paragraph (1) shall

1 provide to the individual who is the subject of the  
2 records—

3 “(A) on or before the 20th day following  
4 the date of receipt of the request, written notice  
5 of the request and of the individual’s right to  
6 receive a copy of such records; and

7 “(B) in accordance with paragraph (3), a  
8 copy of such records, if requested by the indi-  
9 vidual.

10 “(5) RIGHT TO CORRECT INACCURACIES.—An  
11 air carrier that maintains or requests and receives  
12 the records of an individual under paragraph (1)  
13 shall provide the individual with a reasonable oppor-  
14 tunity to submit written comments to correct any in-  
15 accuracies contained in the records before making a  
16 final hiring decision with respect to the individual.  
17 After the database established under paragraph (1)  
18 is operational, the air carrier shall submit any cor-  
19 rections made or accepted by the air carrier to the  
20 Administration for inclusion in the database within  
21 30 days after the corrections are made or accepted  
22 by the air carrier.

23 “(6) PRIVACY PROTECTIONS.—An air carrier  
24 that maintains, or requests and receives, the records  
25 described in paragraph (1) of an individual may use



1 such records only to assess the qualifications of the  
2 individual in deciding whether or not to hire the in-  
3 dividual as a pilot. The air carrier shall take such  
4 actions as may be necessary to protect the privacy  
5 of the pilot and the confidentiality of the records, in-  
6 cluding ensuring that information contained in the  
7 records is not divulged to any individual that is not  
8 directly involved in the hiring decision.

9 “(7) PERIODIC REVIEW.—Not later than 18  
10 months after the date of the enactment of the FAA  
11 Air Transportation Modernization and Safety Im-  
12 provement Act, and at least once every 3 years  
13 thereafter, the Administrator shall submit to Con-  
14 gress a statement that contains, taking into account  
15 recent developments in the aviation industry—

16 “(A) recommendations by the Adminis-  
17 trator concerning proposed changes to Adminis-  
18 tration records, air carrier records, and other  
19 records required to be furnished under para-  
20 graph (1); or

21 “(B) reasons why the Administrator does  
22 not recommend any proposed changes to the  
23 records referred to in paragraph (1).

24 “(8) RULEMAKING.—The Administrator shall  
25 prescribe such regulations as may be necessary—

1 “(A) to protect—

2 “(i) the personal privacy of any indi-  
3 vidual whose records are included in the  
4 database established under paragraph (1);  
5 and

6 “(ii) the confidentiality of those  
7 records;

8 “(B) to preclude the further dissemination  
9 of records received under paragraph (1) by the  
10 person who requested those records; and

11 “(C) to ensure prompt compliance with  
12 any request made under this subsection.

13 “(9) SPECIAL RULES WITH RESPECT TO CER-  
14 TAIN PILOTS.—

15 “(A) PILOTS OF CERTAIN SMALL AIR-  
16 CRAFT.—Notwithstanding paragraph (1), an air  
17 carrier, before receiving information requested  
18 about an individual under this subsection, may  
19 allow the individual to begin service for a period  
20 not to exceed 90 days as a pilot of an aircraft  
21 with a maximum payload capacity (as defined  
22 in section 119.3 of title 14, Code of Federal  
23 Regulations) of 7,500 pounds or less, or a heli-  
24 copter, on a flight that is not a scheduled oper-  
25 ation (as defined in such section). Before the

1 end of the 90-day period, the air carrier shall  
2 obtain and evaluate such information. The con-  
3 tract between the carrier and the individual  
4 shall contain a term that provides that the con-  
5 tinuation of the individual's employment, after  
6 the last day of the 90-day period, depends on  
7 a satisfactory evaluation.

8 “(B) GOOD FAITH EXCEPTION.—Until the  
9 database required by paragraph (1) is estab-  
10 lished, an air carrier, without obtaining infor-  
11 mation about an individual under paragraph (1)  
12 from an air carrier or other person that no  
13 longer exists or from a foreign government or  
14 entity that employed the individual, may allow  
15 the individual to begin service as a pilot if the  
16 air carrier required to request the information  
17 has made a documented good faith attempt to  
18 obtain such information.

19 “(10) REVIEW OF PROSPECTIVE PILOTS’  
20 RECORDS.—Except as provided in paragraph (9), be-  
21 fore allowing an individual to begin service as a pilot  
22 an air carrier shall request a copy of the records de-  
23 scribed in paragraph (1) pertaining to the pilot for  
24 the preceding 10 years and review the records.

1           “(11) ELECTRONIC ACCESS TO FAA  
 2 RECORDS.—For the purpose of increasing timely and  
 3 efficient access to Federal Aviation Administration  
 4 records described in paragraph (1), the Adminis-  
 5 trator may allow, under terms established by the Ad-  
 6 ministrator, an individual designated by the air car-  
 7 rier to have electronic access to a specified database  
 8 containing information about such records. The  
 9 terms shall limit such access to instances in which  
 10 information in the database is required by the des-  
 11 ignated individual in making a hiring decision con-  
 12 cerning a pilot applicant and shall require that the  
 13 designated individual provide assurances satisfactory  
 14 to the Administrator that information obtained  
 15 using such access will not be used for any purpose  
 16 other than making the hiring decision.”.

17       (b) LIMITATION ON LIABILITY.—Section 44703(i)(1)  
 18 is amended—

19           (1) in the matter preceding subparagraph (A),  
 20 by striking “and who has signed a release from li-  
 21 ability”; and

22           (2) in subparagraph (B), by striking “complied  
 23 with such request” and inserting “furnished records  
 24 to the Administrator in accordance with subsection  
 25 (h)(1)”.

1       (c) TRANSITION RULE.—Until the date on which the  
2 Administrator publishes notice in the Federal Register  
3 that the database required by section 44703(h)(1) of title  
4 49, United States Code (as amended by subsection (a))  
5 is operational, the provisions of section 44703(h) of such  
6 title, as that section was in effect on the day before the  
7 date of enactment of this Act, shall remain in effect, ex-  
8 cept that such provisions shall be applied—

9               (1) by substituting “10-year period” for “5-  
10 year period” in paragraph (1)(B); and

11              (2) without regard to paragraph (3).

12 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

13       (a) IN GENERAL.—Within 60 days after the date of  
14 enactment of this Act, the Administrator shall initiate and  
15 complete a rulemaking to require part 121 air carriers—

16              (1) to implement, as part of their safety man-  
17 agement systems—

18                      (A) an Aviation Safety Action Program;

19                      (B) a Flight Operations Quality Assurance  
20 Program;

21                      (C) a Line Operational Safety Audit Pro-  
22 gram; and

23                      (D) a Flight Crew Fatigue Risk Manage-  
24 ment Program;

1           (2) to implement appropriate privacy protection  
2           safeguards with respect to data included in such  
3           programs; and

4           (3) to provide appropriate collaboration and  
5           operational oversight of regional/commuter air car-  
6           riers by affiliated major air carriers that include—

7                   (A) periodic safety audits of flight oper-  
8                   ations;

9                   (B) training, maintenance, and inspection  
10                  programs; and

11                  (C) provisions for the exchange of safety  
12                  information.

13       (b) CVR DATA.—The Administrator, acting in col-  
14       laboration with aviation industry interested parties, shall  
15       consider the merits and feasibility of incorporating cockpit  
16       voice recorder data in safety oversight practices.

17       (c) ENFORCEMENT CONSISTENCY.—Within 9 months  
18       after the date of enactment of this Act, the Administrator  
19       shall—

20           (1) develop and implement a plan that will en-  
21           sure that the FAA’s safety enforcement plan is con-  
22           sistently enforced; and

23           (2) ensure that the FAA’s safety oversight pro-  
24           gram is reviewed periodically and updated as nec-  
25           essary.

1 **SEC. 553. IMPLEMENTATION OF NTSB RECOMMENDATIONS.**

2 (a) IN GENERAL.—

3 (1) NOTIFICATION.—Within 30 days after the  
4 end of each calendar year, the Administrator shall  
5 submit a notification to the Senate Committee on  
6 Commerce, Science, and Transportation and the  
7 House of Representatives Committee on Transpor-  
8 tation and Infrastructure indicating whether the Ad-  
9 ministrator has determined to implement the safety  
10 recommendations made to the FAA by the National  
11 Transportation Safety Board during the preceding  
12 year.

13 (2) IMPLEMENTATION PLANS.—If the Adminis-  
14 trator has determined to implement such a rec-  
15 ommendation, the notification shall describe the ac-  
16 tion the Administrator plans to take to implement  
17 the recommendation.

18 (3) EXPLANATION OF NON-IMPLEMENTA-  
19 TION.—If the Administrator has determined not to  
20 implement such a recommendation, the notification  
21 shall describe the reason for the determination.

22 (b) PENDING RECOMMENDATIONS.—Within 180 days  
23 after the date of enactment of this Act, the Administrator  
24 shall submit a notification to those Committees with re-  
25 spect to each safety recommendation made to the FAA  
26 by the National Transportation Safety Board that was

1 made before the date of enactment of this Act that was  
2 not implemented before that date containing the imple-  
3 mentation plans, or an explanation of non-implementation,  
4 for each such recommendation.

5 **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
6 **SURANCE, AVIATION SAFETY ACTION, AND**  
7 **LINE OPERATIONAL SAFETY AUDIT PRO-**  
8 **GRAMS.**

9 (a) LIMITATION ON DISCLOSURE AND USE OF IN-  
10 FORMATION.—

11 (1) IN GENERAL.—Except as provided by this  
12 section, a party in a judicial proceeding may not use  
13 discovery to obtain—

14 (A) an Aviation Safety Action Program re-  
15 port;

16 (B) Flight Operational Quality Assurance  
17 Program data; or

18 (C) a Line Operations Safety Audit Pro-  
19 gram report.

20 (2) FOIA NOT APPLICABLE.—Section 522 of  
21 title 5, United States Code, shall not apply to re-  
22 ports or data described in paragraph (1).

23 (3) EXCEPTIONS.—Nothing in paragraph (1) or  
24 (2) prohibits the FAA from disclosing information  
25 contained in reports or data described in paragraph



1 (1) if withholding the information would not be con-  
2 sistent with the FAA's safety responsibilities, includ-  
3 ing—

4 (A) a summary of information, with identi-  
5 fying information redacted, to explain the need  
6 for changes in policies or regulations;

7 (B) information provided to correct a con-  
8 dition that compromises safety, if that condition  
9 continues uncorrected; or

10 (C) information provided to carry out a  
11 criminal investigation or prosecution.

12 (b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS  
13 AND DATA.—Except as provided in subsection (c), a court  
14 may allow discovery by a party of an Aviation Safety Ac-  
15 tion Program report, Flight Operational Quality Assur-  
16 ance Program data, or a Line Operations Safety Audit  
17 Program report if, after an in camera review of the infor-  
18 mation, the court determines that a party to a claim or  
19 defense in the proceeding shows a particularized need for  
20 the report or data that outweighs the need for confiden-  
21 tiality of the report or data, considering the confidential  
22 nature of the report or data, and upon a showing that  
23 the report or data is both relevant to the preparation of  
24 a claim or defense and not otherwise known or available.

1 (c) PROTECTIVE ORDER.—When a court allows dis-  
2 covery, in a judicial proceeding, of an Aviation Safety Ac-  
3 tion Program report, Flight Operational Quality Assur-  
4 ance Program data, or a Line Operations Safety Audit  
5 Program report, the court shall issue a protective order—

6 (1) to limit the use of the information contained  
7 in the report or data to the judicial proceeding;

8 (2) to prohibit dissemination of the report or  
9 data to any person that does not need access to the  
10 report for the proceeding; and

11 (3) to limit the use of the report or data in the  
12 proceeding to the uses permitted for privileged self-  
13 analysis information as defined under the Federal  
14 Rules of Evidence.

15 (d) SEALED INFORMATION.—A court may allow an  
16 Aviation Safety Action Program report, Flight Oper-  
17 ational Quality Assurance Program data, or a Line Oper-  
18 ations Safety Audit Program report to be admitted into  
19 evidence in a judicial proceeding only if the court places  
20 the report or data under seal to prevent the use of the  
21 report or data for purposes other than for the proceeding.

22 (e) SAFETY RECOMMENDATIONS.—This section does  
23 not prevent the National Transportation Safety Board  
24 from referring at any time to information contained in an  
25 Aviation Safety Action Program report, Flight Oper-

1 ational Quality Assurance Program data, or a Line Oper-  
2 ations Safety Audit Program report in making safety rec-  
3 ommendations.

4 (f) WAIVER.—Any waiver of the privilege for self-  
5 analysis information by a protected party, unless occa-  
6 sioned by the party's own use of the information in pre-  
7 senting a claim or defense, must be in writing.

8 **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**  
9 **TESTING, AND CERTIFICATION REQUIRE-**  
10 **MENTS.**

11 (a) TRAINING AND TESTING.—The Administrator  
12 shall develop and implement a plan for reevaluation of  
13 flight crew training regulations in effect on the date of  
14 enactment of this Act, including regulations for—

15 (1) classroom instruction requirements gov-  
16 erning curriculum content and hours of instruction;

17 (2) crew leadership training; and

18 (3) initial and recurrent testing requirements  
19 for pilots, including the rigor and consistency of  
20 testing programs such as check rides.

21 (b) BEST PRACTICES.—The plan shall incorporate  
22 best practices in the aviation industry with respect to  
23 training protocols, methods, and procedures.

1       (c) CERTIFICATION.—The Administrator shall ini-  
2 tiate a rulemaking to re-evaluate FAA regulations gov-  
3 erning the minimum requirements—

4           (1) to become a commercial pilot;

5           (2) to receive an Air Transport Pilot Certificate  
6 to become a captain; and

7           (3) to transition to a new type of aircraft.

8 **SEC. 556. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
9 **RIERS.**

10       The Administrator shall, not less frequently than  
11 once each year, perform random, unannounced, on-site in-  
12 spections of air carriers that provide air transportation  
13 pursuant to a contract with a part 121 air carrier to en-  
14 sure that such air carriers are complying with all applica-  
15 ble safety standards of the Administration.

16 **SEC. 557. ESTABLISHMENT OF SAFETY STANDARDS WITH**  
17 **RESPECT TO THE TRAINING, HIRING, AND OP-**  
18 **ERATION OF AIRCRAFT BY PILOTS.**

19       Not later than 180 days after the date of enactment  
20 of this Act, the Administrator shall issue a final rule with  
21 respect to the Notice of Proposed Rulemaking published  
22 in the Federal Register on January 12, 2009 (74 Fed.  
23 Reg. 1280), relating to training programs for flight crew  
24 members and aircraft dispatchers.

1 **SEC. 558. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

2 Not later than 1 year after the date of the enactment  
3 of this Act, the Administrator shall submit to Congress  
4 a plan for overseeing pilot schools certified under part 141  
5 of title 14, Code of Federal Regulations, that includes—

6 (1) ensuring that the curriculum and course  
7 outline requirements for such schools under subpart  
8 C of such part are being met; and

9 (2) conducting on-site inspections of each such  
10 school not less frequently than once every 2 years.

11 **SEC. 559. DEFINITIONS.**

12 In this subtitle:

13 (1) AVIATION SAFETY ACTION PROGRAM.—The  
14 term “Aviation Safety Action Program” means the  
15 program described under Federal Aviation Adminis-  
16 tration Advisory Circular No. 120–66B that permits  
17 employees of participating air carriers and repair  
18 station certificate holders to identify and report safe-  
19 ty issues to management and to the Administration  
20 for resolution.

21 (2) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Administrator.

23 (3) AIR CARRIER.—The term “air carrier” has  
24 the meaning given that term by section 40102(2) of  
25 title 49, United States Code.

1           (4) FAA.—The term “FAA” means the Fed-  
2           eral Aviation Administration.

3           (5) FLIGHT OPERATIONAL QUALITY ASSURANCE  
4           PROGRAM.—The term “Flight Operational Quality  
5           Assurance Program” means the voluntary safety  
6           program authorized under section 13.401 of title 14,  
7           Code of Federal Regulations, that permits commer-  
8           cial air carriers and pilots to share confidential ag-  
9           gregate information with the Administration to per-  
10          mit the Administration to target resources to ad-  
11          dress operational risk issues.

12          (6) LINE OPERATIONS SAFETY AUDIT PRO-  
13          GRAM.—The term “Line Operations Safety Audit  
14          Program” has the meaning given that term by Fed-  
15          eral Aviation Administration Advisory Circular  
16          Number 120–90.

17          (7) PART 121 AIR CARRIER.—The term “part  
18          121 air carrier” has the meaning given that term by  
19          section 41719(d)(1) of title 49, United States Code.

## 20   **TITLE VI—AVIATION RESEARCH**

### 21   **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

22          (a) IN GENERAL.—Section 44511(f) is amended—

23               (1) by striking “establish a 4-year pilot” in  
24               paragraph (1) and inserting “maintain an”; and

1           (2) by inserting “pilot” in paragraph (4) before  
2           “program” the first time it appears; and

3           (3) by striking “program, including rec-  
4           ommendations as to the need for establishing a per-  
5           manent airport cooperative research program.” in  
6           paragraph (4) and inserting “program.”.

7           (b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

8           Not more than \$15,000,000 per year for fiscal years 2010  
9           and 2011 may be appropriated to the Secretary of Trans-  
10          portation from the amounts made available each year  
11          under subsection (a) for the Airport Cooperative Research  
12          Program under section 44511 of this title, of which not  
13          less than \$5,000,000 per year shall be for research activi-  
14          ties related to the airport environment, including reduction  
15          of community exposure to civil aircraft noise, reduction of  
16          civil aviation emissions, or addressing water quality issues.

17       **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**  
18                               **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

19          (a) ESTABLISHMENT OF RESEARCH PROGRAM.—

20          From amounts made available under section 48102(a) of  
21          title 49, United States Code, the Administrator of the  
22          Federal Aviation Administration shall establish a research  
23          program related to reducing civilian aircraft source noise  
24          and emissions through grants or other measures author-  
25          ized under section 106(l)(6) of such title, including reim-

1 bursable agreements with other Federal agencies. The pro-  
2 gram shall include participation of educational and re-  
3 search institutions or private sector entities that have ex-  
4 isting facilities and experience for developing and testing  
5 noise, emissions and energy reduction engine and aircraft  
6 technology, and developing alternative fuels.

7 (b) ESTABLISHING A CONSORTIUM.—Within 6  
8 months after the date of enactment of this Act, the Ad-  
9 ministrator shall designate, using a competitive process,  
10 an institution, entity, or consortium described in sub-  
11 section (a) as a Consortium for Aviation Noise, Emissions,  
12 and Energy Technology Research to perform research in  
13 accordance with this section. The Consortium shall con-  
14 duct the research program in coordination with the Na-  
15 tional Aeronautics and Space Administration and other  
16 relevant agencies.

17 (c) PERFORMANCE OBJECTIVES.—By September 30,  
18 2016, the research program shall accomplish the following  
19 objectives:

20 (1) Certifiable aircraft technology that reduces  
21 fuel burn by 33 percent compared to current tech-  
22 nology, reducing energy consumption and green-  
23 house gas (CO<sub>2</sub>) emissions.

24 (2) Certifiable engine technology that reduces  
25 landing and takeoff cycle (LTO) nitrogen oxide



1 emissions by 60 percent, at a pressure ratio of 30,  
2 over the International Civil Aviation Organization  
3 standard adopted at the 6th Meeting of the Com-  
4 mittee on Aviation Environmental Protection  
5 (CAEP), with commensurate reductions over the full  
6 pressure ratio range, while limiting or reducing  
7 other gaseous or particle emissions.

8 (3) Certifiable aircraft technology that reduces  
9 noise levels by 32 EPNdB cumulative, relative to  
10 Stage 4 standards.

11 (4) Determination of the feasibility of use of al-  
12 ternative fuels in aircraft systems, including success-  
13 ful demonstration and quantification of benefits.

14 (5) Determination of the extent to which new  
15 engine and aircraft technologies may be used to ret-  
16 rofit or re-engine aircraft so as to increase the level  
17 of penetration into the commercial fleet.

18 **SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECH-**  
19 **NOLOGY FOR CIVILIAN AIRCRAFT.**

20 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
21 From amounts made available under section 48102(a) of  
22 title 49, United States Code, the Secretary of Transpor-  
23 tation shall establish a research program related to devel-  
24 oping jet fuel from clean coal through grants or other  
25 measures authorized under section 106(l)(6) of such title,

1 including reimbursable agreements with other Federal  
2 agencies. The program shall include participation by edu-  
3 cational and research institutions that have existing facili-  
4 ties and experience in the development and deployment of  
5 technology that processes coal to aviation fuel.

6 (b) DESIGNATION OF INSTITUTION AS A CENTER OF  
7 EXCELLENCE.—Within 6 months after the date of enact-  
8 ment of this Act, the Administrator of the Federal Avia-  
9 tion Administration shall designate an institution de-  
10 scribed in subsection (a) as a Center of Excellence for  
11 Coal-to-Jet-Fuel Research.

12 **SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERO-**  
13 **NAUTICS.**

14 (a) ESTABLISHMENT.—There is established an advi-  
15 sory committee to be know as the “Advisory Committee  
16 on the Future of Aeronautics”.

17 (b) MEMBERSHIP.—The Advisory Committee shall  
18 consist of 7 members appointed by the President from a  
19 list of 15 candidates proposed by the Director of the Na-  
20 tional Academy of Sciences.

21 (c) CHAIRPERSON.—The Advisory Committee mem-  
22 bers shall elect 1 member to serve as chairperson of the  
23 Advisory Committee.

24 (d) FUNCTIONS.—The Advisory Committee shall ex-  
25 amine the best governmental and organizational struc-

1 tures for the conduct of civil aeronautics research and de-  
2 velopment, including options and recommendations for  
3 consolidating such research to ensure continued United  
4 States leadership in civil aeronautics. The Committee shall  
5 consider transferring responsibility for civil aeronautics re-  
6 search and development from the National Aeronautics  
7 and Space Administration to other existing departments  
8 or agencies of the Federal Government or to a non-govern-  
9 mental organization such as academic consortia or not-  
10 for-profit organizations. In developing its recommenda-  
11 tions, the Advisory Committee shall consider, as appro-  
12 priate, the aeronautics research policies developed pursu-  
13 ant to section 101(d) of Public Law 109–155 and the re-  
14 quirements and priorities for aeronautics research estab-  
15 lished by title IV of Public Law 109–155.

16 (e) REPORT.—Not later than 12 months after the  
17 date on which the full membership of the Advisory Com-  
18 mittee is appointed, the Advisory Committee shall submit  
19 a report to the Senate Committee on Commerce, Science,  
20 and Transportation and the House Committees on Science  
21 and Technology and on Transportation and Infrastructure  
22 on its findings and recommendations. The report may rec-  
23 ommend a rank ordered list of acceptable solutions.

1 (f) TERMINATION.—The Advisory Committee shall  
2 terminate 60 days after the date on which it submits the  
3 report to the Congress.

4 **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
5 **PAVEMENTS.**

6 (a) CONTINUATION OF PROGRAM.—The Adminis-  
7 trator of the Federal Aviation Administration shall con-  
8 tinue the program to consider awards to nonprofit con-  
9 crete and asphalt pavement research foundations to im-  
10 prove the design, construction, rehabilitation, and repair  
11 of airfield pavements to aid in the development of safer,  
12 more cost effective, and more durable airfield pavements.

13 (b) USE OF GRANTS OR COOPERATIVE AGREE-  
14 MENTS.—The Administrator may use grants or coopera-  
15 tive agreements in carrying out this section.

16 **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
17 **ER RESEARCH.**

18 Within 60 days after the date of enactment of this  
19 Act, the Administrator of the Federal Aviation Adminis-  
20 tration shall—

21 (1) initiate evaluation of proposals that would  
22 increase capacity throughout the air transportation  
23 system by reducing existing spacing requirements  
24 between aircraft of all sizes, including research on  
25 the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

**SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.**

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(6);

(C) by striking “aircraft.” in subsection (b)(7) and inserting “aircraft; and”; and

1 (D) by adding at the end of subsection (b)  
2 the following:

3 “(8) in conjunction with other Federal agencies  
4 as appropriate, to develop technologies and methods  
5 to assess the risk of and prevent defects, failures,  
6 and malfunctions of products, parts, and processes,  
7 for use in all classes of unmanned aerial systems  
8 that could result in a catastrophic failure.”.

9 (2) HUMAN FACTORS; SIMULATIONS.—Section  
10 44505(b) is amended—

11 (A) by striking “and” after the semicolon  
12 in paragraph (4);

13 (B) by striking “programs.” in paragraph  
14 (5)(C) and inserting “programs; and”; and

15 (C) by adding at the end thereof the fol-  
16 lowing:

17 “(6) to develop a better understanding of the  
18 relationship between human factors and unmanned  
19 aerial systems air safety; and

20 “(7) to develop dynamic simulation models of  
21 integrating all classes of unmanned aerial systems  
22 into the National Air Space.”.

23 (b) NATIONAL ACADEMY OF SCIENCES ASSESS-  
24 MENT.—

1           (1) IN GENERAL.—Within 3 months after the  
2           date of enactment of this Act, the Administrator of  
3           the Federal Aviation Administration shall enter into  
4           an arrangement with the National Academy of  
5           Sciences for an assessment of unmanned aerial sys-  
6           tems that shall include consideration of—

7                   (A) human factors regarding unmanned  
8                   aerial systems operation;

9                   (B) “detect, sense and avoid technologies”  
10                  with respect to both cooperative and non-coop-  
11                  erative aircraft;

12                  (C) spectrum issues and bandwidth re-  
13                  quirements;

14                  (D) operation in suboptimal winds and ad-  
15                  verse weather conditions;

16                  (E) mechanisms for letter others know  
17                  where the unmanned aerial system is flying;

18                  (F) airworthiness and system redundancy;

19                  (G) flight termination systems for safety  
20                  and security;

21                  (H) privacy issues;

22                  (I) technologies for unmanned aerial sys-  
23                  tems flight control;

24                  (J) technologies for unmanned aerial sys-  
25                  tems propulsion;

1           (K) unmanned aerial systems operator  
2           qualifications, medical standards, and training  
3           requirements;

4           (L) unmanned aerial systems maintenance  
5           requirements and training requirements; and

6           (M) any other unmanned aerial systems-re-  
7           lated issue the Administrator believes should be  
8           addressed.

9           (2) REPORT.—Within 12 months after initi-  
10          ating the study, the National Academy shall submit  
11          its report to the Administrator, the Senate Com-  
12          mittee on Commerce, Science, and Transportation,  
13          and the House of Representatives Committee on  
14          Transportation and Infrastructure containing its  
15          findings and recommendations.

16          (c) PILOT PROJECTS.—

17               (1) IN GENERAL.—The Administrator of the  
18          Federal Aviation Administration shall establish 3 2-  
19          year cost-shared pilot projects in sparsely populated,  
20          low-density Class G air traffic airspace to conduct  
21          experiments and collect data in order to accelerate  
22          the safe integration of unmanned aerial systems into  
23          the National Airspace System as follows:



1           (A) 1 project shall address operational  
2           issues required for integration of Category 1  
3           unmanned aerial systems.

4           (B) 1 project shall address operational  
5           issues required for integration of Category 2  
6           unmanned aerial systems.

7           (C) 1 project shall address operational  
8           issues required for integration of Category 3  
9           unmanned aerial systems.

10          (2) USE OF CONSORTIA.—In conducting the  
11          pilot projects, the Administrator shall encourage the  
12          formation of consortia from the public and private  
13          sectors, educational institutions, and non-profit or-  
14          ganization.

15          (3) REPORT.—Within 60 days after completing  
16          the pilot projects, the Administrator shall transmit  
17          a report to the Senate Committee on Commerce,  
18          Science, and Transportation and the House of Rep-  
19          resentatives Committee on Transportation and In-  
20          frastructure setting forth the Administrator's find-  
21          ings and conclusions concerning the projects.

22          (4) AUTHORIZATION OF APPROPRIATIONS.—  
23          There are authorized to be appropriated to the Ad-  
24          ministrator for fiscal years 2008 and 2009 such

1 sums as may be necessary to conduct the pilot  
2 projects.

3 (d) FAA TASK LIST.—

4 (1) STREAMLINE UNMANNED AERIAL SYSTEMS  
5 CERTIFICATION PROCESS.—Within 30 days after the  
6 date of enactment of this Act, the Administrator of  
7 the Federal Aviation Administration shall develop  
8 and transmit an unmanned aerial systems “road-  
9 map” to the Senate Committee on Commerce,  
10 Science, and Transportation and the House of Rep-  
11 resentatives Committee on Transportation and In-  
12 frastructure.

13 (2) UPDATE POLICY STATEMENT.—Within 45  
14 days after the date of enactment of this Act, the Ad-  
15 ministrator shall issue an updated policy statement  
16 on unmanned aerial systems under Docket No.  
17 FAA–2006–25714; Notice No. 07–01.

18 (3) ISSUE NPRM FOR CERTIFICATES.—Within  
19 90 days after the date of enactment of this Act, the  
20 Administrator shall publish a notice of proposed  
21 rulemaking on issuing airworthiness certificates and  
22 experimental certificates to unmanned aerial systems  
23 operators for compensation or hire. The Adminis-  
24 trator shall promulgate a final rule 90 days after the  
25 date on which the notice is published.

1           (4) NOTICE TO CONGRESS ON BASING UN-  
2           MANNED AERIAL SYSTEMS REGULATIONS ON ULTRA-  
3           LIGHT REGULATIONS.—Within 90 days after the  
4           date of enactment of this Act, the Administrator  
5           shall transmit a report to the Senate Committee on  
6           Commerce, Science, and Transportation and the  
7           House of Representatives Committee on Transpor-  
8           tation and Infrastructure on the potential of using  
9           part 103 of title 14, Code of Federal Regulations  
10          (relating to Ultralight Aircraft), as the regulatory  
11          basis for regulations on lightweight unmanned aerial  
12          systems.

13          (e) CONSOLIDATED RULEMAKING DEADLINE.—No  
14          later than April 30, 2010, the Federal Aviation Adminis-  
15          tration and other affected Federal agencies shall have ini-  
16          tiated all of the rule makings regarding vehicle design re-  
17          quirements, operational requirements, airworthiness re-  
18          quirements, and flight crew certifications requirements  
19          necessary for integrating all categories of unmanned aerial  
20          systems into the national air space, taking into consider-  
21          ation the recommendations the Administrator receives  
22          from the National Academy of Sciences report under sub-  
23          section (b), the unmanned aerial systems “roadmap” de-  
24          veloped by the Administrator under subsection (d)(1), the  
25          recommendations of the Radio Technical Committee Aero-

1 nautics Special Committee 203 (RTCA–SC 203), and the  
 2 data generated from the 3 pilot projects conducted under  
 3 subsection (c).

4 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
 5 **IN APPLIED RESEARCH AND TRAINING IN**  
 6 **THE USE OF ADVANCED MATERIALS IN**  
 7 **TRANSPORT AIRCRAFT.**

8 Section 708(b) of the Vision 100—Century of Avia-  
 9 tion Reauthorization Act (49 U.S.C. 44504 note) is  
 10 amended by striking “\$500,000 for fiscal year 2004” and  
 11 inserting “\$1,000,000 for each of fiscal years 2008  
 12 through 2012”.

13 **SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
 14 **VEHICLES.**

15 (a) IN GENERAL.—Subchapter I of chapter 471 is  
 16 amended by inserting after section 47136 the following:  
 17 **“§ 47136A. Zero emission airport vehicles and infra-**  
 18 **structure**

19 “(a) IN GENERAL.—The Secretary of Transportation  
 20 shall establish a pilot program under which the sponsor  
 21 of a public-use airport may use funds made available  
 22 under section 47117 or section 48103 for use at such air-  
 23 ports or passenger facility revenue (as defined in section  
 24 40117(a)(6)) to carry out activities associated with the ac-  
 25 quisition and operation of zero emission vehicles (as de-

1 fined in section 88.120–94 of title 40, Code of Federal  
2 Regulations), including the construction or modification of  
3 infrastructure to facilitate the delivery of fuel and services  
4 necessary for the use of such vehicles. Any use of funds  
5 authorized by the preceding sentence shall be considered  
6 to be an authorized use of funds under section 47117 or  
7 section 48103, or an authorized use of passenger facility  
8 revenue (as defined in section 40117(a)(6)), as the case  
9 may be.

10 “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
11 AREAS.—

12 “(1) IN GENERAL.—A public-use airport shall  
13 be eligible for participation in the pilot program only  
14 if the airport is located in an air quality nonattain-  
15 ment area (as defined in section 171(2) of the Clean  
16 Air Act (42 U.S.C. 7501(2))).

17 “(2) SHORTAGE OF CANDIDATES.—If the Sec-  
18 retary receives an insufficient number of applications  
19 from public-use airports located in such areas, then  
20 the Secretary may consider applications from public-  
21 use airports that are not located in such areas.

22 “(c) SELECTION CRITERIA.—In selecting from  
23 among applicants for participation in the program, the  
24 Secretary shall give priority consideration to applicants  
25 that will achieve the greatest air quality benefits measured

1 by the amount of emissions reduced per dollar of funds  
2 expended under the program.

3 “(d) FEDERAL SHARE.—Notwithstanding any other  
4 provision of this subchapter, the Federal share of the costs  
5 of a project carried out under the program shall be 50  
6 percent.

7 “(e) TECHNICAL ASSISTANCE.—

8 “(1) IN GENERAL.—The sponsor of a public-use  
9 airport carrying out activities funded under the pro-  
10 gram may not use more than 10 percent of the  
11 amounts made available under the program in any  
12 fiscal year for technical assistance in carrying out  
13 such activities.

14 “(2) ELIGIBLE CONSORTIUM.—To the max-  
15 imum extent practicable, participants in the program  
16 shall use an eligible consortium (as defined in sec-  
17 tion 5506 of this title) in the region of the airport  
18 to receive technical assistance described in para-  
19 graph (1).

20 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—  
21 The Secretary may develop and make available materials  
22 identifying best practices for carrying out activities funded  
23 under the program based on projects carried out under  
24 section 47136 and other sources.”.

1 (b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not  
 2 later than 18 months after the date of enactment of this  
 3 section, the Secretary of Transportation shall transmit a  
 4 report to the Senate Committee on Commerce, Science,  
 5 and Transportation the House of Representatives Com-  
 6 mittee on Transportation and Infrastructure containing—

7 (1) an evaluation of the effectiveness of the  
 8 pilot program;

9 (2) an identification of all public-use airports  
 10 that expressed an interest in participating in the  
 11 program; and

12 (3) a description of the mechanisms used by the  
 13 Secretary to ensure that the information and know-  
 14 how gained by participants in the program is trans-  
 15 ferred among the participants and to other inter-  
 16 ested parties, including other public-use airports.

17 (c) CONFORMING AMENDMENT.—The table of con-  
 18 tents for chapter 471 is amended by inserting after the  
 19 item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure.”.

20 **SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT**  
 21 **POWER SOURCES.**

22 (a) IN GENERAL.—Subchapter I of chapter 471 is  
 23 amended by inserting after section 47140 the following:

1   **“§ 47140A. Reduction of emissions from airport power**  
2                   **sources**

3           “(a) IN GENERAL.—The Secretary of Transportation  
4 shall establish a program under which the sponsor of each  
5 airport eligible to receive grants under section 48103 is  
6 encouraged to assess the airport’s energy requirements,  
7 including heating and cooling, base load, back-up power,  
8 and power for on-road airport vehicles and ground support  
9 equipment, in order to identify opportunities to reduce  
10 harmful emissions and increase energy efficiency at the  
11 airport.

12          “(b) GRANTS.—The Secretary may make grants  
13 under section 48103 to assist airport sponsors that have  
14 completed the assessment described in subsection (a) to  
15 acquire or construct equipment, including hydrogen equip-  
16 ment and related infrastructure, that will reduce harmful  
17 emissions and increase energy efficiency at the airport. To  
18 be eligible for such a grant, the sponsor of such an airport  
19 shall submit an application to the Secretary, at such time,  
20 in such manner, and containing such information as the  
21 Secretary may require.”.

22          (b) CONFORMING AMENDMENT.—The table of con-  
23 tents for chapter 471 is amended by inserting after the  
24 item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources.”.



1 **SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
2 **AIDES AND OTHER ASSETS.**

3 (a) SURVEY AND ASSESSMENT.—

4 (1) IN GENERAL.—In order to address safety  
5 and operational concerns associated with the con-  
6 struction, alteration, establishment, or expansion of  
7 wind farms in proximity to critical FAA facilities,  
8 the Administrator shall, within 60 days after the  
9 date of enactment of this Act, complete a survey and  
10 assessment of leases for critical FAA facility sites,  
11 including—

12 (A) an inventory of the leases that de-  
13 scribes, for each such lease—

14 (i) the periodic cost, location, site,  
15 terms, number of years remaining, and les-  
16 sor;

17 (ii) other Administration facilities that  
18 share the leasehold, including surveillance  
19 and communications equipment; and

20 (iii) the type of transmission services  
21 supported, including the terms of service,  
22 cost, and support contract obligations for  
23 the services; and

24 (B) a list of those leases for facilities lo-  
25 cated in or near areas suitable for the construc-  
26 tion and operation of wind farms, as deter-

1           mined by the Administrator in consultation  
2           with the Secretary of Energy.

3           (2) REPORT.—Upon completion of the survey  
4           and assessment, the Administrator shall submit a re-  
5           port to the Senate Committee on Commerce,  
6           Science, and Transportation, the House of Rep-  
7           resentatives Committee on Transportation and In-  
8           frastructure, and the Comptroller General containing  
9           the Administrator’s findings, conclusions, and rec-  
10          ommendations.

11          (b) GAO ASSESSMENT.—

12           (1) IN GENERAL.—Within 180 days after re-  
13          ceiving the Administrator’s report under subsection  
14          (a)(2), the Comptroller General, in consultation with  
15          the Administrator, shall—

16           (A) complete an assessment of the current  
17           and potential impact of wind farms on the na-  
18           tional airspace system;

19           (B) complete an assessment of the extent  
20           to which Federal policies and laws that encour-  
21           age or facilitate the development of wind farms  
22           have an impact on implementation of the Next  
23           Generation air traffic control system, including  
24           the installation of navigational aides associated  
25           with that system;

1 (C) determine what resources the Federal  
2 Aviation Administration would need to mitigate  
3 any obstruction to navigation attributable to  
4 wind farms under the existing air traffic control  
5 system or the Next Generation air traffic con-  
6 trol system;

7 (D) recommend a new procedure, or im-  
8 provements to the current procedure, to the Ad-  
9 ministration for mitigation of potential conflicts  
10 between navigational aides and wind farms,  
11 with an emphasis on early involvement of the  
12 Administration in the planning stages for wind  
13 farms; and

14 (E) develop a matrix that will indicate how  
15 close to navigational aides wind farms can be  
16 located and how many turbines can reasonably  
17 be placed in the vicinity of such aides.

18 (2) REPORT.—Upon completion of the assess-  
19 ments, the Comptroller General shall submit a re-  
20 port to the Senate Committee on Commerce,  
21 Science, and Transportation, the House of Rep-  
22 resentatives Committee on Transportation and In-  
23 frastructure, and the Administrator containing the  
24 Comptroller General's findings, conclusions, and rec-  
25 ommendations.

1       (c) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-  
2 TION.—

3           (1) GUIDANCE.—Within 60 days after the Ad-  
4 ministrator receives the Comptroller’s recommenda-  
5 tions, the Administrator shall publish guidelines for  
6 the construction and operation of wind farms to be  
7 located in proximity to critical Federal Aviation Ad-  
8 ministration facilities. The guidelines may include—

9           (A) the establishment of a zone system for  
10 wind farms based on proximity to critical FAA  
11 assets;

12           (B) the establishment of turbine height  
13 and density limitations on such wind farms;

14           (C) requirements for notice to the Admin-  
15 istration under section 44718(a) of title 49,  
16 United States Code, before the construction, al-  
17 teration, establishment, or expansion of a such  
18 a wind farm; and

19           (D) any other requirements or rec-  
20 ommendations designed to address Administra-  
21 tion safety or operational concerns related to  
22 the construction, alteration, establishment, or  
23 expansion of such wind farms.

24           (2) PUBLIC ACCESS TO INFORMATION.—To the  
25 extent feasible, taking into consideration security,

1 operational, and public safety concerns (as deter-  
2 mined by the Administrator), the Administrator  
3 shall provide public access to information regarding  
4 the planning, construction, and operation of wind  
5 farms in proximity to critical FAA facilities on, or  
6 by linkage from, the homepage of the Federal Avia-  
7 tion Administration's public website.

8 (d) CONSULTATION WITH OTHER FEDERAL AGEN-  
9 CIES.—In carrying out this section, the Administrator and  
10 the Comptroller General shall consult, as appropriate, with  
11 the Secretaries of the Army, the Navy, the Air Force,  
12 Homeland Security, and Energy—

13 (1) to coordinate the requirements of each de-  
14 partment for future air space needs;

15 (2) to determine what the acceptable risks are  
16 to the existing infrastructure of each department;  
17 and

18 (3) to define the different levels of risk for such  
19 infrastructure.

20 (e) REPORTS.—The Administrator and the Comp-  
21 troller General shall provide a copy of reports under sub-  
22 sections (a) and (b), respectively, to the Senate Committee  
23 on Homeland Security and Governmental Affairs, the Sen-  
24 ate Committee on Armed Services, the House of Rep-  
25 resentatives Committee on Homeland Security, the House

1 of Representatives Committee on Armed Services, and the  
2 House of Representatives Committee on Science and  
3 Technology, as appropriate.

4 (f) DEFINITIONS.—In this section:

5 (1) ADMINISTRATION.—The term “Administra-  
6 tion” means the Federal Aviation Administration.

7 (2) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Federal  
9 Aviation Administration.

10 (3) CRITICAL FAA FACILITIES.—The term “crit-  
11 ical FAA facilities” means facilities on which are lo-  
12 cated navigational aides, surveillance systems, or  
13 communications systems used by the Administration  
14 in administration of the national airspace system.

15 (4) WIND FARM.—The term “wind farm”  
16 means an installation of 1 or more wind turbines  
17 used for the generation of electricity.

## 18 **TITLE VII—MISCELLANEOUS**

### 19 **SEC. 701. GENERAL AUTHORITY.**

20 (a) THIRD PARTY LIABILITY.—Section 44303(b) is  
21 amended by striking “December 31, 2009,” and inserting  
22 “December 31, 2012,”.

23 (b) EXTENSION OF PROGRAM AUTHORITY.—Section  
24 44310 is amended by striking “December 31, 2009.” and  
25 inserting “October 1, 2017.”.

1 (c) WAR RISK.—

2 (1) Section 44302(f)(1) is amended—

3 (A) by striking “September 30, 2009,” and  
4 inserting “September 30, 2011,”; and

5 (B) by striking “December 31, 2009,” and  
6 inserting “December 31, 2011,”.

7 (2) Section 44303(b) is amended by striking  
8 “December 31, 2009,” and inserting “December 31,  
9 2011,”.

10 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

11 Within 6 months after the date of enactment of this  
12 Act, the Administrator of the Federal Aviation Adminis-  
13 tration shall develop a Human Intervention Management  
14 Study program for cabin crews employed by commercial  
15 air carriers in the United States.

16 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

17 The Administrator of the Federal Aviation Adminis-  
18 tration—

19 (1) shall establish a formal, structured certifi-  
20 cation training program for the airport concessions  
21 disadvantaged business enterprise program; and

22 (2) may appoint 3 additional staff to implement  
23 the programs of the airport concessions disadvan-  
24 tagged business enterprise initiative.

1 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

2 (a) EXTENSION OF METROPOLITAN WASHINGTON  
3 AIRPORTS AUTHORITY.—Section 49108 is amended by  
4 striking “2009,” and inserting “2011,”.

5 (b) MARSHALL ISLANDS, FEDERATED STATES OF  
6 MICRONESIA, AND PALAU.—Section 47115(j) is amended  
7 by striking “2009,” and inserting “2011,”.

8 (c) MIDWAY ISLAND AIRPORT.—Section 186(d) of  
9 the Vision 100—Century of Aviation Reauthorization Act  
10 (17 Stat. 2518) is amended by striking “2009,” and in-  
11 serting “2011,”.

12 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

13 Section 47107(s) is amended by striking paragraph  
14 (3).

15 **SEC. 706. UPDATE ON OVERFLIGHTS.**

16 (a) IN GENERAL.—Section 45301(b) is amended to  
17 read as follows:

18 “(b) LIMITATIONS.—

19 “(1) IN GENERAL.—In establishing fees under  
20 subsection (a), the Administrator shall ensure that  
21 the fees required by subsection (a) are reasonably  
22 related to the Administration’s costs, as determined  
23 by the Administrator, of providing the services ren-  
24 dered. Services for which costs may be recovered in-  
25 clude the costs of air traffic control, navigation,  
26 weather services, training, and emergency services



1       which are available to facilitate safe transportation  
2       over the United States, and other services provided  
3       by the Administrator or by programs financed by  
4       the Administrator to flights that neither take off nor  
5       land in the United States. The determination of  
6       such costs by the Administrator is not subject to ju-  
7       dicial review.

8               “(2) ADJUSTMENT OF FEES.—The Adminis-  
9       trator shall adjust the overflight fees established by  
10      subsection (a)(1) by expedited rulemaking and begin  
11      collections under the adjusted fees by October 1,  
12      2010. In developing the adjusted overflight fees, the  
13      Administrator shall seek and consider the rec-  
14      ommendations, if any, offered by the Aviation Rule-  
15      making Committee for Overflight Fees that are in-  
16      tended to ensure that overflight fees are reasonably  
17      related to the Administrator’s costs of providing air  
18      traffic control and related services to overflights. In  
19      addition, the Administrator may periodically modify  
20      the fees established under this section either on the  
21      Administrator’s own initiative or on a recommenda-  
22      tion from the Air Traffic Control Modernization  
23      Board.

24               “(3) COST DATA.—The adjustment of overflight  
25      fees under paragraph (2) shall be based on the costs

1 to the Administration of providing the air traffic  
2 control and related activities, services, facilities, and  
3 equipment using the available data derived from the  
4 Administration's cost accounting system and cost al-  
5 location system to users, as well as budget and oper-  
6 ational data.

7 “(4) AIRCRAFT ALTITUDE.—Nothing in this  
8 section shall require the Administrator to take into  
9 account aircraft altitude in establishing any fee for  
10 aircraft operations in en route or oceanic airspace.

11 “(5) COSTS DEFINED.—In this subsection, the  
12 term ‘costs’ means those costs associated with the  
13 operation, maintenance, debt service, and overhead  
14 expenses of the services provided and the facilities  
15 and equipment used in such services, including the  
16 projected costs for the period during which the serv-  
17 ices will be provided.

18 “(6) PUBLICATION; COMMENT.—The Adminis-  
19 trator shall publish in the Federal Register any fee  
20 schedule under this section, including any adjusted  
21 overflight fee schedule, and the associated collection  
22 process as a proposed rule, pursuant to which public  
23 comment will be sought and a final rule issued.”.

24 (b) ADMINISTRATIVE PROVISION.—Section  
25 45303(c)(2) is amended to read as follows:

1           “(2) shall be available to the Administrator for  
 2           expenditure for purposes authorized by Congress for  
 3           the Federal Aviation Administration, however, fees  
 4           established by section 45301(a)(1) of title 49 of the  
 5           United States Code shall be available only to pay the  
 6           cost of activities and services for which the fee is im-  
 7           posed, including the costs to determine, assess, re-  
 8           view, and collect the fee; and”.

9   **SEC. 707. TECHNICAL CORRECTIONS.**

10          Section 40122(g), as amended by section 307 of this  
 11   Act, is further amended—

12           (1) by striking “section 2302(b), relating to  
 13           whistleblower protection,” in paragraph (2)(A) and  
 14           inserting “sections 2301 and 2302,”;

15           (2) by striking “and” after the semicolon in  
 16           paragraph (2)(H);

17           (3) by striking “Plan.” in paragraph (2)(I)(iii)  
 18           and inserting “Plan;”;

19           (4) by adding at the end of paragraph (2) the  
 20           following:

21                   “(J) section 5596, relating to back pay;

22                   and

23                   “(K) sections 6381 through 6387, relating  
 24                   to Family and Medical Leave.”; and

1           (5) by adding at the end of paragraph (3)  
2           “Notwithstanding any other provision of law, retro-  
3           active to April 1, 1996, the Board shall have the  
4           same remedial authority over such employee appeals  
5           that it had as of March 31, 1996.”.

6 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

7           (a) STUDY.—

8           (1) IN GENERAL.—The Comptroller General  
9           shall conduct a study of the training of airway  
10          transportation systems specialists of the Federal  
11          Aviation Administration that includes—

12                (A) an analysis of the type of training pro-  
13                vided to such specialists;

14                (B) an analysis of the type of training that  
15                such specialists need to be proficient in the  
16                maintenance of the latest technologies;

17                (C) actions that the Administration has  
18                undertaken to ensure that such specialists re-  
19                ceive up-to-date training on such technologies;

20                (D) the amount and cost of training pro-  
21                vided by vendors for such specialists;

22                (E) the amount and cost of training pro-  
23                vided by the Administration after developing in-  
24                house training courses for such specialists;

1 (F) the amount and cost of travel required  
2 of such specialists in receiving training; and

3 (G) a recommendation regarding the most  
4 cost-effective approach to providing such train-  
5 ing.

6 (2) REPORT.—Within 1 year after the date of  
7 enactment of this Act, the Comptroller General shall  
8 transmit a report on the study containing the Comp-  
9 troller General’s findings and recommendations to  
10 the Senate Committee on Commerce, Science, and  
11 Transportation and the House of Representatives  
12 Committee on Transportation and Infrastructure.

13 (b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

14 (1) IN GENERAL.—Not later than 90 days after  
15 the date of enactment of this Act, the Administrator  
16 of the Federal Aviation Administration shall con-  
17 tract with the National Academy of Sciences to con-  
18 duct a study of the assumptions and methods used  
19 by the Federal Aviation Administration to estimate  
20 staffing needs for Federal Aviation Administration  
21 air traffic controllers, system specialists, and engi-  
22 neers to ensure proper maintenance, certification,  
23 and operation of the National Airspace System. The  
24 National Academy of Sciences shall consult with the  
25 Exclusive Bargaining Representative certified under

1       section 7111 of title 5, United States Code, and the  
2       Administration (including the Civil Aeronautical  
3       Medical Institute) and examine data entailing  
4       human factors, traffic activity, and the technology at  
5       each facility.

6           (2) CONTENTS.—The study shall include—

7               (A) recommendations for objective staffing  
8               standards that maintain the safety of the Na-  
9               tional Airspace System; and

10              (B) the approximate length of time for de-  
11              veloping such standards.

12           (3) REPORT.—Not later than 24 months after  
13       executing a contract under subsection (a), the Na-  
14       tional Academy of Sciences shall transmit a report  
15       containing its findings and recommendations to the  
16       Congress.

17       (c) SAFETY STAFFING MODEL.—Within 18 months  
18   after the date of enactment of this Act, the Administrator  
19   of the Federal Aviation Administration shall develop a  
20   staffing model for aviation safety inspectors. In developing  
21   the model, the Administrator shall consult with represent-  
22   atives of the aviation safety inspectors.

1 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
2 **TIONAL PARKS.**

3 (a) SECRETARY OF THE INTERIOR AND OVER-  
4 FLIGHTS OF NATIONAL PARKS.—

5 (1) Section 40128 is amended—

6 (A) by striking paragraph (8) of subsection  
7 (f);

8 (B) by striking “Director” each place it  
9 appears and inserting “Secretary of the Inte-  
10 rior”;

11 (C) by striking “National Park Service” in  
12 subsection (a)(2)(B)(vi) and inserting “Depart-  
13 ment of the Interior”; and

14 (D) by striking “National Park Service” in  
15 subsection (b)(4)(C) and inserting “Department  
16 of the Interior”.

17 (2) The National Parks Air Tour Management  
18 Act of 2000 (49 U.S.C. 40128 note) is amended—

19 (A) by striking “Director” in section  
20 804(b) and inserting “Secretary of the Inte-  
21 rior”;

22 (B) in section 805—

23 (i) by striking “Director of the Na-  
24 tional Park Service” in subsection (a) and  
25 inserting “Secretary of the Interior”;

1 (ii) by striking “Director” each place  
 2 it appears and inserting “Secretary of the  
 3 Interior”;

4 (iii) by striking “National Park Serv-  
 5 ice” each place it appears in subsection (b)  
 6 and inserting “Department of the Inte-  
 7 rior”;

8 (iv) by striking “National Park Serv-  
 9 ice” in subsection (d)(2) and inserting  
 10 “Department of the Interior”; and  
 11 (C) in section 807—

12 (i) by striking “National Park Serv-  
 13 ice” in subsection (a)(1) and inserting  
 14 “Department of the Interior”; and

15 (ii) by striking “Director of the Na-  
 16 tional Park Service” in subsection (b) and  
 17 inserting “Secretary of the Interior”.

18 (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
 19 MENT.—Paragraph (1) of subsection (a) of section 40128  
 20 is amended—

21 (1) by striking “and” in subparagraph (B);

22 (2) by striking “lands.” in subparagraph (C)  
 23 and inserting “lands; and”; and

24 (3) by adding at the end the following:



1           “(D) in accordance with a voluntary agree-  
2           ment between the commercial air tour operator  
3           and appropriate representatives of the national  
4           park or tribal lands, as the case may be.”.

5       (C) AVIATION SAFETY INSPECTORS.—

6           (1) SAFETY STAFFING MODEL.—Within 12  
7           months after the date of enactment of this Act, the  
8           Administrator of the Federal Aviation Administra-  
9           tion shall develop a staffing model for aviation safety  
10          inspectors. In developing the model, the Adminis-  
11          trator shall consult with representatives of the avia-  
12          tion safety inspectors and other interested parties.

13          (2) SAFETY INSPECTOR STAFFING.—The Fed-  
14          eral Aviation Administration aviation safety inspec-  
15          tor staffing requirement shall be no less than the  
16          staffing levels indicated as necessary in the staffing  
17          model described under subsection (a).

18          (d) MODIFICATION OF INTERIM OPERATING AU-  
19          THORITY.—Section 40128(c)(2)(I) is amended to read as  
20          follows:

21                 “(I) may allow for modifications of the in-  
22                 terim operating authority without further envi-  
23                 ronmental process, if—

24                         “(i) adequate information on the ex-  
25                         isting and proposed operations of the com-

1 commercial air tour operator is provided to the  
2 Administrator and the Secretary by the op-  
3 erator seeking operating authority;

4 “(ii) the Administrator determines  
5 that the modifications would not adversely  
6 affect aviation safety or the management  
7 of the national airspace system; and

8 “(iii) the Secretary agrees that the  
9 modifications would not adversely affect  
10 park resources and visitor experiences.”.

11 (e) REPORTING REQUIREMENTS FOR COMMERCIAL  
12 AIR TOUR OPERATORS.—

13 (1) IN GENERAL.—Not later than 90 days after  
14 the date of the enactment of this Act, and annually  
15 thereafter, each commercial air tour conducting com-  
16 mercial air tour operations over a national park shall  
17 report to the Administrator of the Federal Aviation  
18 Administration and the Secretary of the Interior  
19 on—

20 (A) the number of commercial air tour op-  
21 erations conducted by such operator over the  
22 national park each day;

23 (B) any relevant characteristics of com-  
24 mercial air tour operations, including the

1 routes, altitudes, duration, and time of day of  
2 flights; and

3 (C) such other information as the Adminis-  
4 trator and the Secretary may determine nec-  
5 essary to administer the provisions of the Na-  
6 tional Parks Air Tour Management Act of 2000  
7 (49 U.S.C. 40128 note).

8 (2) FORMAT.—The report required by para-  
9 graph (1) shall be submitted in such form as the Ad-  
10 ministrator and the Secretary determine to be ap-  
11 propriate.

12 (3) EFFECT OF FAILURE TO REPORT.—The Ad-  
13 ministrator shall rescind the operating authority of  
14 a commercial air tour operator that fails to file a re-  
15 port not later than 180 days after the date for the  
16 submittal of the report described in paragraph (1).

17 (4) AUDIT OF REPORTS.—Not later than 2  
18 years after the date of the enactment of this Act,  
19 and at such times thereafter as the Inspector Gen-  
20 eral of the Department of Transportation determines  
21 necessary, the Inspector General shall audit the re-  
22 ports required by paragraph (1).

23 (f) COLLECTION OF FEES FROM AIR TOUR OPER-  
24 ATIONS.—

1           (1) IN GENERAL.—The Secretary of the Inte-  
2           rior may assess a fee in an amount determined by  
3           the Secretary under paragraph (2) on a commercial  
4           air tour operator conducting commercial air tour op-  
5           erations over a national park.

6           (2) AMOUNT OF FEE.—In determining the  
7           amount of the fee assessed under paragraph (1), the  
8           Secretary shall consider the cost of developing air  
9           tour management plans for each national park.

10          (3) EFFECT OF FAILURE TO PAY FEE.—The  
11          Administrator of the Federal Aviation Administra-  
12          tion shall revoke the operating authority of a com-  
13          mercial air tour operator conducting commercial air  
14          tour operations over any national park, including the  
15          Grand Canyon National Park, that has not paid the  
16          fee assessed by the Secretary under paragraph (1)  
17          by the date that is 180 days after the date on which  
18          the Secretary determines the fee shall be paid.

19          (g) AUTHORIZATION OF APPROPRIATIONS FOR AIR  
20          TOUR MANAGEMENT PLANS.—

21               (1) IN GENERAL.—There are authorized to be  
22               appropriated \$10,000,000 to the Secretary of the  
23               Interior for the development of air tour management  
24               plans under section 40128(b) of title 49, United  
25               States Code.

1           (2) USE OF FUNDS.—The funds authorized to  
2       be appropriated by paragraph (1) shall be used to  
3       develop air tour management plans for the national  
4       parks the Secretary determines would most benefit  
5       from such a plan.

6       (h) GUIDANCE TO DISTRICT OFFICES ON COMMER-  
7       CIAL AIR TOUR OPERATORS.—The Administrator of the  
8       Federal Aviation Administration shall provide to the Ad-  
9       ministration’s district offices clear guidance on the ability  
10      of commercial air tour operators to obtain—

11           (1) increased safety certifications;

12           (2) exemptions from regulations requiring safe-  
13      ty certifications; and

14           (3) other information regarding compliance  
15      with the requirements of this Act and other Federal  
16      and State laws and regulations.

17      (i) OPERATING AUTHORITY OF COMMERCIAL AIR  
18      TOUR OPERATORS.—

19           (1) TRANSFER OF OPERATING AUTHORITY.—

20           (A) IN GENERAL.—Subject to subpara-  
21      graph (B), a commercial air tour operator that  
22      obtains operating authority from the Adminis-  
23      trator under section 40128 of title 49, United  
24      States Code, to conduct commercial air tour op-

1           erations may transfer such authority to another  
2           commercial air tour operator at any time.

3           (B) NOTICE.—Not later than 30 days be-  
4           fore the date on which a commercial air tour  
5           operator transfers operating authority under  
6           subparagraph (A), the operator shall notify the  
7           Administrator and the Secretary of the intent  
8           of the operator to transfer such authority.

9           (C) REGULATIONS.—Not later than 180  
10          days after the date of the enactment of this  
11          Act, the Administrator shall prescribe regula-  
12          tions to allow transfers of operating authority  
13          described in subparagraph (A).

14          (2) TIME FOR DETERMINATION REGARDING OP-  
15          ERATING AUTHORITY.—Notwithstanding any other  
16          provision of law, the Administrator shall determine  
17          whether to grant a commercial air tour operator op-  
18          erating authority under section 40128 of title 49,  
19          United States Code, not later than 180 days after  
20          the earlier of the date on which—

21                 (A) the operator submits an application; or

22                 (B) an air tour management plan is com-  
23                 pleted for the national park over which the op-  
24                 erator seeks to conduct commercial air tour op-  
25                 erations.

1           (3) INCREASE IN INTERIM OPERATING AUTHOR-  
 2           ITY.—The Administrator and the Secretary may in-  
 3           crease the interim operating authority while an air-  
 4           tour management plan is being developed for a park  
 5           if—

6                   (A) the Secretary determines that such an  
 7           increase does not adversely impact park re-  
 8           sources or visitor experiences; and

9                   (B) the Administrator determines that  
 10          granting interim operating authority does not  
 11          adversely affect aviation safety or the manage-  
 12          ment of the national airspace system.

13          (4) ENFORCEMENT OF OPERATING AUTHOR-  
 14          ITY.—The Administrator is authorized and directed  
 15          to enforce the requirements of this Act and any  
 16          agency rules or regulations related to operating au-  
 17          thority.

18 **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

19          (a) IN GENERAL.—Subchapter II of chapter 475 is  
 20          amended by adding at the end the following:

21 **“§ 47534. Prohibition on operating certain aircraft**  
 22 **weighing 75,000 pounds or less not com-**  
 23 **plying with Stage 3 noise levels**

24          “(a) PROHIBITION.—Except as provided in sub-  
 25          section (b), (c), or (d), a person may not operate a civil

1 subsonic turbojet with a maximum weight of 75,000  
2 pounds or less to or from an airport in the United States  
3 unless the Secretary of Transportation finds that the air-  
4 craft complies with stage 3 noise levels.

5 “(b) EXCEPTION.—Subsection (a) shall not apply to  
6 aircraft operated only outside the 48 contiguous States.

7 “(c) OPT-OUT.—Subsection (a) shall not apply at an  
8 airport where the airport operator has notified the Sec-  
9 retary that it wants to continue to permit the operation  
10 of civil subsonic turbojets with a maximum weight of  
11 75,000 pounds or less that do not comply with stage 3  
12 noise levels. The Secretary shall post the notices received  
13 under this subsection on its website or in another place  
14 easily accessible to the public.

15 “(d) LIMITATION.—The Secretary shall permit a per-  
16 son to operate Stage 1 and Stage 2 aircraft with a max-  
17 imum weight of 75,000 pounds or less to or from an air-  
18 port in the contiguous 48 States in order—

19 “(1) to sell, lease, or use the aircraft outside  
20 the 48 contiguous States;

21 “(2) to scrap the aircraft;

22 “(3) to obtain modifications to the aircraft to  
23 meet stage 3 noise levels;

24 “(4) to perform scheduled heavy maintenance  
25 or significant modifications on the aircraft at a



1 maintenance facility located in the contiguous 48  
2 states;

3 “(5) to deliver the aircraft to an operator leas-  
4 ing the aircraft from the owner or return the air-  
5 craft to the lessor;

6 “(6) to prepare or park or store the aircraft in  
7 anticipation of any of the activities described in  
8 paragraphs (1) through (5); or

9 “(7) to divert the aircraft to an alternative air-  
10 port in the 48 contiguous States on account of  
11 weather, mechanical, fuel air traffic control or other  
12 safety reasons while conducting a flight in order to  
13 perform any of the activities described in paragraphs  
14 (1) through (6).

15 “(e) STATUTORY CONSTRUCTION.—Nothing in the  
16 section may be construed as interfering with, nullifying,  
17 or otherwise affecting determinations made by the Federal  
18 Aviation Administration, or to be made by the Administra-  
19 tion, with respect to applications under part 161 of title  
20 14, Code of Federal Regulations, that were pending on  
21 the date of enactment of the Aircraft Noise Reduction Act  
22 of 2006.”.

23 (b) CONFORMING AMENDMENTS.—

1           (1) Section 47531 is amended by striking  
2           “47529, or 47530” and inserting “47529, 47530, or  
3           47534”.

4           (2) Section 47532 is amended by striking  
5           “47528–47531” and inserting “47528 through  
6           47531 or 47534”.

7           (3) The table of contents for chapter 475 is  
8           amended by inserting after the item relating to sec-  
9           tion 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with Stage 3 noise levels.”.

10          (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect 5 years after the date of en-  
12 actment of this Act.

13 **SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

14          On and after the date of the enactment of this Act,  
15 the Administrator of the Federal Aviation Administration  
16 is prohibited from taking actions designed to challenge or  
17 influence weight restrictions or prior permission rules at  
18 Teterboro Airport in Teterboro, New Jersey, except in an  
19 emergency.

20 **SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
21 **PORT PROPERTIES.**

22          (a) IN GENERAL.—Within 1 year after the date of  
23 enactment of this Act, the Administrator of the Federal  
24 Aviation Administration shall establish a pilot program at

1 up to 4 public-use airports for local airport operators that  
 2 have submitted a noise compatibility program approved by  
 3 the Federal Aviation Administration under section 47504  
 4 of title 49, United States Code, under which such airport  
 5 operators may use funds made available under section  
 6 47117(e) of that title, or passenger facility revenue col-  
 7 lected under section 40117 of that title, in partnership  
 8 with affected neighboring local jurisdictions, to support  
 9 joint planning, engineering design, and environmental per-  
 10 mitting for the assembly and redevelopment of property  
 11 purchased with noise mitigation funds or passenger facil-  
 12 ity charge funds, to encourage airport-compatible land  
 13 uses and generate economic benefits to the local airport  
 14 authority and adjacent community.

15 (b) NOISE COMPATIBILITY MEASURES.—Section  
 16 47504(a)(2) is amended—

17 (1) by striking “and” after the semicolon in  
 18 subparagraph (D);

19 (2) by striking “operations.” in subparagraph  
 20 (E) and inserting “operations; and”; and

21 (3) by adding at the end the following:

22 “(F) joint comprehensive land use planning in-  
 23 cluding master plans, traffic studies, environmental  
 24 evaluation and economic and feasibility studies, with  
 25 neighboring local jurisdictions undertaking commu-

1 nity redevelopment in the area where the land or  
2 other property interest acquired by the airport oper-  
3 ator pursuant to this subsection is located, to en-  
4 courage and enhance redevelopment opportunities  
5 that reflect zoning and uses that will prevent the in-  
6 troduction of additional incompatible uses and en-  
7 hance redevelopment potential.”.

8 (c) GRANT REQUIREMENTS.—The Administrator  
9 may not make a grant under subsection (a) unless the  
10 grant is made—

11 (1) to enable the airport operator and local ju-  
12 risdictions undertaking the community redevel-  
13 opment effort to expedite redevelopment efforts;

14 (2) subject to a requirement that the local juris-  
15 diction governing the property interests in question  
16 has adopted zoning regulations that permit airport  
17 compatible redevelopment; and

18 (3) subject to a requirement that, in deter-  
19 mining the part of the proceeds from disposing of  
20 the land that is subject to repayment or reinvest-  
21 ment under section 47107(c)(2)(A) of title 49,  
22 United States Code, the total amount of the grant  
23 issued under this section shall be added to the  
24 amount of any grants issued for acquisition of land.

25 (d) DEMONSTRATION GRANTS.—

1           (1) IN GENERAL.—The Administrator shall pro-  
2       vide grants for up to 4 pilot property redevelopment  
3       projects distributed geographically and targeted to  
4       airports that demonstrate—

5           (A) a readiness to implement cooperative  
6       land use management and redevelopment plans  
7       with the adjacent community; and

8           (B) the probability of clear economic ben-  
9       efit to the local community and financial return  
10      to the airport through the implementation of  
11      the redevelopment plan.

12       (2) FEDERAL SHARE.—

13           (A) Notwithstanding any other provision of  
14      law, the Federal share of the allowable costs of  
15      a project carried out under the pilot program  
16      shall be 80 percent.

17           (B) In determining the allowable costs, the  
18      Administrator shall deduct from the total costs  
19      of the activities described in subsection (a) that  
20      portion of the costs which is equal to that por-  
21      tion of the total property to be redeveloped  
22      under this section that is not owned or to be ac-  
23      quired by the airport operator pursuant to the  
24      noise compatibility program or that is not

1 owned by the affected neighboring local juris-  
2 dictions or other public entities.

3 (3) MAXIMUM AMOUNT.—Not more than  
4 \$5,000,000 in funds made available under section  
5 47117(e) of title 49, United States Code, may be ex-  
6 pended under the pilot program at any single public-  
7 use airport.

8 (4) EXCEPTION.—Amounts paid to the Admin-  
9 istrator under subsection (c)(3)—

10 (A) shall be in addition to amounts author-  
11 ized under section 48203 of title 49, United  
12 States Code;

13 (B) shall not be subject to any limitation  
14 on grant obligations for any fiscal year; and

15 (C) shall remain available until expended.

16 (e) USE OF PASSENGER REVENUE.—An airport  
17 sponsor that owns or operates an airport participating in  
18 the pilot program may use passenger facility revenue col-  
19 lected under section 40117 of title 49, United States Code,  
20 to pay any project cost described in subsection (a) that  
21 is not financed by a grant under the program.

22 (f) SUNSET.—This section, other than the amend-  
23 ments made by subsections (b), shall not be in effect after  
24 September 30, 2011.

1 (g) REPORT TO CONGRESS.—The Administrator shall  
 2 report to Congress within 18 months after making the  
 3 first grant under this section on the effectiveness of this  
 4 program on returning part 150 lands to productive use.

5 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

6 (a) IN GENERAL.—Subchapter I of chapter 417 is  
 7 amended by adding at the end thereof the following:

8 **“§ 41724. Musical instruments**

9 “(a) IN GENERAL.—

10 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-  
 11 GAGE.—An air carrier providing air transportation  
 12 shall permit a passenger to carry a violin, guitar, or  
 13 other musical instrument in the aircraft cabin with-  
 14 out charge if—

15 “(A) the instrument can be stowed safely  
 16 in a suitable baggage compartment in the air-  
 17 craft cabin or under a passenger seat; and

18 “(B) there is space for such stowage at the  
 19 time the passenger boards the aircraft.

20 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-  
 21 GAGE.—An air carrier providing air transportation  
 22 shall permit a passenger to carry a musical instru-  
 23 ment that is too large to meet the requirements of  
 24 paragraph (1) in the aircraft cabin without charge  
 25 if—

1           “(A) the instrument is contained in a case  
2           or covered so as to avoid injury to other pas-  
3           sengers;

4           “(B) the weight of the instrument, includ-  
5           ing the case or covering, does not exceed 165  
6           pounds;

7           “(C) the instrument can be secured by a  
8           seat belt to avoid shifting during flight;

9           “(D) the instrument does not restrict ac-  
10          cess to, or use of, any required emergency exit,  
11          regular exit, or aisle;

12          “(E) the instrument does not obscure any  
13          passenger’s view of any illuminated exit, warn-  
14          ing, or other informational sign;

15          “(F) neither the instrument nor the case  
16          contains any object not otherwise permitted to  
17          be carried in an aircraft cabin because of a law  
18          or regulation of the United States; and

19          “(G) the passenger wishing to carry the in-  
20          strument in the aircraft cabin has purchased an  
21          additional seat to accommodate the instrument.

22          “(3) LARGE INSTRUMENTS AS CHECKED BAG-  
23          GAGE.—An air carrier shall transport as baggage,  
24          without charge, a musical instrument that is the  
25          property of a passenger traveling in air transpor-



1       tation that may not be carried in the aircraft cabin  
2       if—

3               “(A) the sum of the length, width, and  
4               height measured in inches of the outside linear  
5               dimensions of the instrument (including the  
6               case) does not exceed 150 inches; and

7               “(B) the weight of the instrument does not  
8               exceed 165 pounds.

9       “(b) REGULATIONS.—The Secretary may prescribe  
10   such regulations as may be necessary or appropriate to  
11   implement subsection (a).”.

12       (b) CONFORMING AMENDMENT.—The table of con-  
13   tents for chapter 417 is amended by inserting after the  
14   item relating to section 41723 the following:

      “41724. Musical instruments.”.

15       (c) EFFECTIVE DATE.—The amendments made by  
16   this section shall take effect 30 days after the date of en-  
17   actment of this Act.

18   **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

19       (a) AIRPORT PLANNING.—Section 47102(5) is  
20   amended by striking “planning.” and inserting “planning  
21   and a plan for recycling and minimizing the generation  
22   of airport solid waste, consistent with applicable State and  
23   local recycling laws, including the cost of a waste audit.”.

24       (b) MASTER PLAN.—Section 47106(a) is amended—

1 (1) by striking “and” at the end of paragraph  
2 (4);

3 (2) by striking “proposed.” in paragraph (5)  
4 and inserting “proposed; and”; and

5 (3) by adding at the end the following:

6 “(6) if the project is for an airport that has an  
7 airport master plan, the master plan addresses—

8 “(A) the feasibility of solid waste recycling  
9 at the airport;

10 “(B) minimizing the generation of solid  
11 waste at the airport;

12 “(C) operation and maintenance require-  
13 ments;

14 “(D) the review of waste management con-  
15 tracts;

16 “(E) the potential for cost savings or the  
17 generation of revenue; and

18 “(F) training and education require-  
19 ments.”.

20 **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
21 **GRAM ADJUSTMENTS.**

22 (a) IN GENERAL.—Section 47107(e) is amended—

23 (1) by redesignating paragraph (8) as  
24 paragraph (9); and

1           (2) by inserting after paragraph (7) the  
2 following:

3           “(8) MANDATORY TRAINING PROGRAM FOR  
4 AIRPORT CONCESSIONS.—

5           “(A) IN GENERAL.—Not later than  
6 one year after the date of enactment of the  
7 FAA Air Transportation Modernization  
8 and Safety Improvement Act, the Sec-  
9 retary shall establish a mandatory training  
10 program for persons described in subpara-  
11 graph (C) on the certification of whether a  
12 small business concern in airport conces-  
13 sions qualifies as a small business concern  
14 owned and controlled by a socially and eco-  
15 nomically disadvantaged individual for pur-  
16 poses of paragraph (1).

17           “(B) IMPLEMENTATION.—The train-  
18 ing program may be implemented by one  
19 or more private entities approved by the  
20 Secretary.

21           “(C) PARTICIPANTS.—A person re-  
22 ferred to in paragraph (1) is an official or  
23 agent of an airport owner or operator who  
24 is required to provide a written assurance  
25 under paragraph (1) that the airport

owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

1       “(e) PERSONAL NET WORTH CAP.—Not later than  
2 180 days after the date of enactment of the FAA Air  
3 Transportation Modernization and Safety Improvement  
4 Act, the Secretary shall issue final regulations to adjust  
5 the personal net worth cap used in determining whether  
6 an individual is economically disadvantaged for purposes  
7 of qualifying under the definition contained in subsection  
8 (a)(2) and under section 47107(e). The regulations shall  
9 correct for the impact of inflation since the Small Business  
10 Administration established the personal net worth cap at  
11 \$750,000 in 1989.

12       “(f) EXCLUSION OF RETIREMENT BENEFITS.—

13               “(1) IN GENERAL.—In calculating a business  
14 owner’s personal net worth, any funds held in a  
15 qualified retirement account owned by the business  
16 owner shall be excluded, subject to regulations to be  
17 issued by the Secretary.

18               “(2) REGULATIONS.—Not later than one year  
19 after the date of enactment of the FAA Air Trans-  
20 portation Modernization and Safety Improvement  
21 Act, the Secretary shall issue final regulations to im-  
22 plement paragraph (1), including consideration of  
23 appropriate safeguards, such as a limit on the  
24 amount of such accounts, to prevent circumvention  
25 of personal net worth requirements.

1       “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-  
2 TORY BONDING REQUIREMENTS.—

3               “(1) IN GENERAL.—The Secretary shall estab-  
4 lish a program to eliminate barriers to small busi-  
5 ness participation in airport-related contracts and  
6 concessions by prohibiting excessive, unreasonable,  
7 or discriminatory bonding requirements for any  
8 project funded under this chapter or using passenger  
9 facility revenues under section 40117.

10              “(2) REGULATIONS.—Not later than one year  
11 after the date of enactment of the FAA Air Trans-  
12 portation Modernization and Safety Improvement  
13 Act, the Secretary shall issue a final rule to establish  
14 the program under paragraph (1).”.

15 **SEC. 716. FRONT LINE MANAGER STAFFING.**

16       (a) STUDY.—Not later than 45 days after the date  
17 of enactment of this Act, the Administrator of the Federal  
18 Aviation Administration shall initiate a study on front line  
19 manager staffing requirements in air traffic control facili-  
20 ties.

21       (b) CONSIDERATIONS.—In conducting the study, the  
22 Administrator may take into consideration—

23              (1) the number of supervisory positions of oper-  
24 ation requiring watch coverage in each air traffic  
25 control facility;

1           (2) coverage requirements in relation to traffic  
2       demand;

3           (3) facility type;

4           (4) complexity of traffic and managerial respon-  
5       sibilities;

6           (5) proficiency and training requirements; and

7           (6) such other factors as the Administrator con-  
8       siders appropriate.

9       (c) DETERMINATIONS.—The Administrator shall  
10   transmit any determinations made as a result of the study  
11   to the Chief Operating Officer for the air traffic control  
12   system.

13       (d) REPORT.—Not later than 180 days after the date  
14   of enactment of this Act, the Administrator shall submit  
15   to the Senate Committee on Commerce, Science, and  
16   Transportation and the House of Representatives Com-  
17   mittee on Transportation and Infrastructure a report on  
18   the results of the study and a description of any deter-  
19   minations submitted to the Chief Operating Officer under  
20   subsection (c).

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